

# FEDERAL REGISTER

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## Regulations

### TITLE 14—CIVIL AVIATION

#### Chapter I—Civil Air Regulations

[Amendment 27-1 Civil Air Regulations]

#### PART 27—AIRCRAFT DISPATCHER CERTIFICATES

##### DISPATCHER AERONAUTICAL EXPERIENCE

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 5th day of September, 1942.

Acting pursuant to sections 205 (a), 601, and 602 of the Civil Aeronautics Act of 1938, as amended, the Civil Aeronautics Board amends the Civil Air Regulations as follows:

Effective September 5, 1942, Part 27 of the Civil Air Regulations is amended as follows:

1. By amending paragraph (c) of § 27.15 to read as follows:

§ 27.15 *Aeronautical experience.* \* \* \*

(c) Be a graduate of a controlled aircraft dispatcher course satisfactory to the Administrator and have served in connection with the dispatching of air carrier aircraft under the supervision of a certificated aircraft dispatcher in regular service for at least 90 days within the six months immediately preceding application, or

2. By adding a new paragraph (d) to § 27.15 to read as follows:

(d) Have been engaged for at least two of the preceding four years in (1) the technical supervision of aircraft dispatchers or air carrier dispatching systems, or (2) the determination of competency or qualifications of aircraft dispatchers.

3. By striking § 27.150.

4. By amending § 27.23 to read as follows:

§ 27.23 *Recent experience requirements.* The holder of an aircraft dispatcher certificate shall not exercise the privileges thereunder unless, within the preceding twelve calendar months he has either:

(a) For at least three months,

(1) Served as an aircraft dispatcher, or

(2) Served as first or second pilot in scheduled air carrier operation, or

(3) Been engaged in, (i) the technical supervision of aircraft dispatchers or air carrier dispatching systems, or (ii) the determination of competency or qualifications of aircraft dispatchers, or

(4) Served in any combination of the duties described in subparagraphs (1), (2), or (3); or

(b) Demonstrated to the satisfaction of the Administrator that he is able to meet the standards currently prescribed by the Civil Air Regulations for the issuance of the certificate and rating.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,  
Secretary.

[F. R. Doc. 42-9121; Filed, September 15, 1942; 11:30 a. m.]

### TITLE 16—COMMERCIAL PRACTICES

#### Chapter I—Federal Trade Commission

[Docket No. 4006]

#### PART 3—DIGEST OF CEASE AND DESIST ORDERS

##### INDESTRO MANUFACTURING CORP.

§ 3.6 (c) *Advertising falsely or misleadingly—Composition of goods:* § 3.66 (a) 7) *Misbranding or mislabeling—Composition.* In connection with offer, etc., in commerce, of respondent's wrenches and other steel products, using the word "alloy" or any other word of similar import and meaning, either alone or in combination with any other word or words, in branding, advertising or otherwise describing, designating or referring to its wrenches or any other steel products which are made from carbon steel to which there has not been added alloy elements such as nickel, tungsten, molybdenum, vanadium, chromium, copper or any other alloying element, either singly or in combination, in quantities sufficient to affect the properties of the steel, and to give it specific properties not found in

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plain carbon steel; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, Indestro Manufacturing Corp., Docket 4006, September 10, 1942]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 10th day of September, A. D. 1942.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, answer of the respondent, testimony and other evidence in support of the complaint, taken

before duly appointed trial examiners of the Commission designated by it to serve in this proceeding, and brief filed in support of the complaint; and the Commission having made its findings as to the facts and its conclusion that the respondent has violated the provisions of the Federal Trade Commission Act:

*It is ordered*, That the respondent, Indestro Manufacturing Corp., a corporation, its officers, representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution of its wrenches and other steel products in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

Using the word "alloy" or any other word of similar import and meaning, either alone or in combination with any other word or words, in branding, advertising or otherwise describing, designating or referring to its wrenches or any other steel products which are made from carbon steel to which there has not been added alloy elements such as nickel, tungsten, molybdenum, vanadium, chromium, copper or any other alloying element, either singly or in combination, in quantities sufficient to affect the properties of the steel, and to give it specific properties not found in plain carbon steel.

*It is further ordered*, That respondent shall, within sixty (60) days after the service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,  
Secretary.

[F. R. Doc. 42-9107; Filed September 15, 1942;  
11:14 a. m.]

[Docket No. 4521]

#### PART 3—DIGEST OF CEASE AND DESIST ORDERS

##### PARAMOUNT YARN COMPANY

§ 3.6 (c) *Advertising falsely or misleadingly—Composition of goods:* § 3.66 (a) 7) *Misbranding or mislabeling—Composition:* § 3.96 (a) *Using misleading name—Goods—Composition.* In connection with offer, etc., in commerce, of knitting yarns, and among other things, as in order set forth, (1) using the word "Angora" or any simulation thereof, either alone or in connection or conjunction with any other word or words, to designate, describe, or refer to any product which is not composed entirely of hair of the Angora goat; and (2) using the word "Shetland" or any simulation thereof, either alone or in connection or conjunction with any other word or words, to designate, describe, or refer to any product which is not composed entirely of wool of Shetland sheep raised on the Shetland Islands or the contiguous mainland of Scotland; prohibited, subject to respective provisions, however, as respects aforesaid prohibitions, that (1) in the case of a product

composed in part of hair of the Angora goat and in part of other fibers or materials, word "Angora" may be used as descriptive of the Angora fiber content, if there are used, in immediate connection or conjunction therewith, in letters of equal size and conspicuousness, words truthfully describing such other constituent fibers or materials; and that (2) in the case of a product composed in part of wool of Shetland sheep and in part of other fibers or materials, word "Shetland" may be used as descriptive of the Shetland wool content, subject to the qualification above set forth; and subject to further proviso that no provision of order in question shall be construed as relieving respondent in any respect of the necessity of complying with the requirements of the Wool Products Labeling Act of 1939 and the rules and regulations promulgated thereunder. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, Paramount Yarn Company, Docket 4521, September 10, 1942]

§ 3.6 (r) *Advertising falsely or misleadingly—Prices—Retail or selling as wholesale, jobbing or discontinued:* § 3.71 (a) *Neglecting, unfairly or deceptively, to make material disclosure—Composition.* In connection with offer, etc., in commerce, of knitting yarns, and among other things, as in order set forth, (1) advertising, offering for sale, or selling products composed in whole or in part of rayon, without clearly disclosing such rayon content; and (2) representing that the respondent sells direct to the consumer at wholesale prices when in fact the prices so charged are substantially the same as retail prices charged by other distributors for products of like kind and quality, or when the prices so charged are substantially higher than the prices at which dealers and jobbers purchase said products from the respondent; prohibited, subject to provision, however, as respects said first prohibition, that when such products are composed in part of rayon and in part of other fibers or materials, all such fibers or materials, including the rayon, shall be clearly and accurately disclosed; and subject to further proviso, that no provision of order in question shall be construed as relieving respondent in any respect of the necessity of complying with the requirements of the Wool Products Labeling Act of 1939 and the rules and regulations promulgated thereunder. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, Paramount Yarn Company, Docket 4521, September 10, 1942]

#### *In the Matter of Louis Glasser, Individually and Trading as Paramount Yarn Company*

At a regular session of the Federal Trade Commission; held at its office in the City of Washington, D. C., on the 10th day of September, A. D. 1942.

This proceeding having been heard by the Federal Trade Commission upon the amended complaint of the Commission, testimony and other evidence in sup-

port of and in opposition to the allegations of the complaint, taken before an examiner of the Commission theretofore duly designated by it, report of the trial examiner, and brief filed by counsel for the Commission; and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act:

*It is ordered*, That respondent, Louis Glasser, an individual trading as Paramount Yarn Company, or trading under any other name, his representatives, agents, or employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution of knitted yarns in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Using the word "Angora" or any simulation thereof, either alone or in connection or conjunction with any other word or words, to designate, describe, or refer to any product which is not composed entirely of hair of the Angora goat: *Provided, however*, That in the case of a product composed in part of the hair of an Angora goat and in part of other fibers or materials, such word may be used as descriptive of the Angora fiber content, if there are used, in immediate connection or conjunction therewith, in letters of equal size and conspicuousness, words truthfully describing such other constituent fibers or materials.

(2) Using the word "Shetland" or any simulation thereof, either alone or in connection or conjunction with any other word or words, to designate, describe, or refer to any product which is not composed entirely of wool of Shetland sheep raised on the Shetland Islands or the contiguous mainland or Scotland: *Provided, however*, That in the case of a product composed in part of wool of Shetland sheep and in part of other fibers or materials, such word may be used as descriptive of the Shetland wool content if there are used in immediate connection or conjunction therewith, in letters of at least equal size and conspicuousness, words truthfully describing such other constituent fibers or materials;

(3) Advertising, offering for sale, or selling products composed in whole or in part of rayon, without clearly disclosing such rayon content, and when products are composed in part of rayon and in part of other fibers or materials, all such fibers or materials, including the rayon, shall be clearly and accurately disclosed;

(4) Representing that the respondent sells direct to the consumer at wholesale prices when in fact the prices so charged are substantially the same as retail prices charged by other distributors for products of like kind and quality, or when the prices so charged are substantially higher than the prices at which dealers and jobbers purchase said products from the respondent.

*It is further ordered*, That the respondent shall, within sixty (60) days after

service upon him of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which he has complied with this order.

*It is further ordered*, That no provision of this order to cease and desist shall be construed as relieving respondent in any respect of the necessity of complying with the requirements of the Wool Products Labeling Act of 1939 and the rules and regulations promulgated thereunder.

By the Commission.

[SEAL] OTIS B. JOHNSON,  
Secretary.

[F. R. Doc. 42-9106; Filed, September 15, 1942;  
11:14 a. m.]

## TITLE 30—MINERAL RESOURCES

### Chapter III—Bituminous Coal Division

[Docket No. A-1512]

#### PART 322—MINIMUM PRICE SCHEDULE, DISTRICT No. 2

##### MCDONALD MINING CO.

Findings of fact, conclusions of law, memorandum opinion and order of the acting director in the matter of the petition of Bituminous Coal Producers Board for District No. 2 for a change in minimum prices established for the coals of the Verner Mine (Mine Index No. 1888) of McDonald Mining Company.

This is a proceeding instituted upon an original petition filed by the Bituminous Coal Producers Board for District No. 2 on June 19, 1942, with the Bituminous Coal Division, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937. The petition requests an order changing the minimum prices and price classifications for coals produced in District No. 2 at the Verner Mine (Mine Index No. 1888) of McDonald Mining Company, from the present price classifications of J, J, H, H, H, H, J, J, and J, Size Groups 1 through 9, inclusive, to price classifications of C, C, C, C, F, F, H, H, and H, in Size Groups 1 through 9, inclusive.

No petitions of intervention have been filed in this proceeding.

Pursuant to an Order of the Acting Director, and after due notice to interested persons a final hearing in this matter was held on August 12, 1942, before a duly designated Examiner in a hearing room of the Division, at Washington, D. C., at which interested parties were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard. Only representatives of the petitioner filed an appearance. Mr. C. C. McGregor, president of the McDonald Mining Company, was present but did not testify. The preparation and filing of a report by the Examiner were waived and the matter was thereupon submitted to the Acting Director.

According to the testimony of Thomas H. Queer, Chairman of District Board No.

2 and Chairman of the Marketing and Classifications Committee, who was the only witness at the hearing, the Verner Mine (Mine Index No. 1888) had been inactive since 1924 until reopened on April 9, 1942. The price classifications for the mine were set forth in Docket No. A-1172 by Order of the Acting Director, dated December 18, 1941, 7 F.R. 99. They were the same as those established for the coals of the Langeloth Mine of the American Zinc and Chemical Company. As the Verner Mine was not yet in operation at the time the order was issued, there was no reliable information available as to what grade of coal would be produced. When production was started, the McDonald Mining Company asked District Board No. 2 to have observations made and satisfy itself as to the proper classifications for the coal. This was done, when the mine had been running a month, by investigations made by two experienced members of the Marketing and Classification Committee, whose primary function was to make such investigations. Comparisons were made by a firm of inspecting engineers, chemists, and metallurgists of New York, Pittsburgh, and Chicago, of the analytical properties of the coals of the Langeloth Mine of the American Zinc and Chemical Company, which was classified the same as the Verner Mine and also of the Montour No. 9 Mine of the Pittsburgh Coal Company, which classification District Board No. 2 proposed, except in Size Groups 1 and 2, to give to the Verner Mine.

The results of these investigations show that the coals of the Verner Mine were not like those of the Langeloth Mine. They were, except in Size Groups 1 and 2, comparable to the Montour No. 9 Mine, which the new workings of the Verner Mine joins, and should, therefore, bear the same classifications except in Size Groups 1 and 2.

Upon the basis of the uncontroverted evidence, I find and conclude that the relief sought herein is reasonable and necessary and that the coals of the Verner Mine (Mine Index No. 1888) are comparable except in Size Groups 1 and 2 with those of Montour No. 9 Mine of the Pittsburgh Coal Company and should be similarly classified in Size Groups 3 through 9, inclusive. I also find that since Size Groups 1 and 2 of the Verner Mine (Mine Index No. 1888) are of a softer structure than the same sizes produced at the Montour No. 9 Mine and that they should, therefore, be given the lower classification of C. This will result in the price classification for Size Groups 1 through 9 of C, C, C, C, F, F, H, H, and H.

Now, therefore, it is ordered, That commencing forthwith, § 322.7 (*Alphabetical list of code members*) is amended by adding thereto Supplement R, which supplement is hereinafter set forth and hereby made a part hereof.

Dated September 3, 1942.

[SEAL] DAN H. WHEELER,  
Acting Director.

NOTE: The material contained in this supplement is to be read in the light of the classifications, prices, instructions, exceptions, and other provisions contained in Part 322, Minimum Price Schedule for District No. 2 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 322.7 Alphabetical list of code members—Supplement R

[Alphabetical listing of code members having railway loading facilities, showing price classification by size group numbers]

Mine index No.	Code member	Mine name	Seam	Subdistrict No.	Shipping point	Railroad	Freight origin group No.	Size group Nos.															
								1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
1888	McDonald Mining Company.	Verner.	Pittsburgh.	7	Bulger, Pa.	PRR	74	C	C	C	C	F	F	H	H	H	†	†	†	†	†	†	†

†Indicates no classification or prices effective for these size groups.

[F. R. Doc. 42-9073; Filed, September 14, 1942, 11:09 a. m.]

# TITLE 31—MONEY AND FINANCE: TREASURY

## Chapter I—Monetary Offices, Department of the Treasury

[Public Circular 4C]

### PART 130 — REGULATIONS RELATING TO TRANSACTIONS IN FOREIGN EXCHANGE, TRANSFERS OF CREDIT, PAYMENTS, AND THE EXPORT AND WITHDRAWAL OF COIN, BULLION AND CURRENCY; AND TO REPORTS OF FOREIGN PROPERTY INTERESTS IN THE UNITED STATES; APPENDIX

#### INSTRUCTIONS FOR PREPARATION OF REPORTS ON FORM TFR-300, SERIES L

Instructions relating to reports to be filed on Form TFR-300, Series L, with respect to property subject to the jurisdiction of the United States in which certain persons had any interest of any nature whatsoever, direct or indirect.

Public circular under Executive Order No. 8389, April 10, 1940, as amended and regulations issued pursuant thereto.

SEPTEMBER 14, 1942.

**SECTION I. Introduction.** Series L of Form TFR-300 is to be used for certain kinds of reports supplementary or additional to the reports required on Series A through Series H of the Form, which Series were issued in 1941 pursuant to § 130.4 of the Regulations of April 10, 1940, as amended, under Executive Order No. 8389, as amended.

Section II of this Circular specifies the cases in which reports are to be filed on Series L and also gives general instructions concerning the reports. Section III consists of a classification of property, which must be followed strictly in reporting. Detailed instructions for filling out Series L are provided by Section IV, and Section V gives special instructions

<sup>1</sup>Sec. 5 (b), 40 Stat. 415 and 966; Sec. 2, 48 Stat. 1; 54 Stat. 179; Public No. 354, 77th Congress; Ex. Order 8389, April 10, 1940, as amended by Ex. Order 8785, June 14, 1941, Ex. Order 8832, July 26, 1941, Ex. Order 8963, Dec. 9, 1941, and Ex. Order 8998, Dec. 26, 1941; Regulations, April 10, 1940, as amended June 14, 1941, and July 26, 1941.

for persons previously reporting on Series C through Series H. A table of exchange rates appears in Section VI.

Before attempting to prepare a report, a person required to report on Series L should read completely Sections II, III, and IV of this Circular, and also Section V when it is pertinent.

Persons obliged to file a report on Series L are required in certain cases also to report on Series A through Series H, as appropriate, in accordance with Section II of this Circular. Series L is not to be used in any case as a substitute for a report required on Series A through Series H. Detailed instructions for the preparation of reports on Series A through Series H are given in Public Circular No. 4.

Copies of Executive Order No. 8389, as amended, the Regulations issued pursuant thereto, this Circular and Public Circular No. 4, and Series L and all other Series of Form TFR-300 may be obtained from any Federal Reserve Bank, the Governor of any territory or possession of the United States, or the Secretary of the Treasury, Washington, D. C.

**SEC. II. General Instructions.—(a) Who must make report.** Report must be made on Series L of Form TFR-300 by:

(1) Nationals of foreign countries entering the United States at any time after October 31, 1941, except that report is not required from (a) a national entering the United States on a purely transitory visit, whether for business or pleasure, (b) a national resident in the United States, returning from a purely transitory visit outside the United States, (c) a person entitled to the benefits of General License No. 28, or of General License No. 80, (d) an officer or employee of a foreign government or a member of the immediate family of such a person, (e) a person who has filed a report under the next subdivision of this Instruction, or a substantially similar report, (f) a person whose property otherwise to be reported had a total value less than \$1,000 on the date of his entry into the United States: *Provided*, That this exception shall not

apply to the lease of a safe-deposit box, to patents, trade-marks, copyrights, and franchises, to interests in partnerships and profit-sharing agreements, nor to property the value of which cannot readily be determined: *And provided further*, That in arriving at the value of less than \$1,000, no deduction shall be made for liens, offsets, or other deductions from gross value;

(2) Nationals of foreign countries acquiring residence in the United States after February 23, 1942, who apply to be licensed as generally licensed nationals under General License No. 42, except that report is not required if the applicant has rendered a report under the preceding subdivision of this Instruction within three months prior to the date of the application, but in such a case an appropriate explanation must be given in the application;

(3) Persons in the United States whose property is blocked by specific direction of the Treasury Department under Executive Order No. 8389, as amended, except that a report is not required from a person obliged to report on Form TFR-30, relating to internees;

(4) Persons in the United States having custody, control, or possession of property of other persons whose property is blocked by specific direction of the Treasury Department under Executive Order No. 8389, as amended;

(5) Persons in the United States having custody, control, or possession of property of other persons (a) whose names appeared in the Proclaimed List of Certain Blocked Nationals on September 1, 1942, or (b) whose names are added to the List thereafter;

(6) Such other persons or groups or classes of persons, and in such cases or kinds of cases, as the Treasury Department may provide by regulation, circular, ruling, license, specific direction, or other means.

**(b) Effective date for reporting property.—(1) Nationals entering the United States after October 31, 1941.** A national of a foreign country entering the United States after October 31, 1941, and prior to September 1, 1942, must file a report of all property subject to the jurisdiction of the United States on the opening of business on September 1, 1942, in which property he had any interest of any nature whatsoever, direct or indirect. A national entering the United States on or after September 1, 1942, must report all property subject to the jurisdiction of the United States on the opening of business on the day on which he entered the United States, in which property he had any interest of any nature whatsoever, direct or indirect.

(2) *Applicants for license under General License No. 42.* A person applying to be licensed under General License No. 42 must report all property subject to the jurisdiction of the United States on the opening of business on the date of the application for license in which property he has any interest of any nature whatsoever, direct or indirect.

(3) *Persons whose property is blocked under Treasury direction.* A person in the United States whose property is blocked by specific direction of the Treasury Department under Executive Order No. 8389, as amended, must report all property subject to the jurisdiction of the United States on the opening of business on the date of the letter or other communication from the Treasury Department, a Federal Reserve Bank, or the Governor of a territory or possession of the United States, informing him of the blocking, in which property he has any interest of any nature whatsoever, direct or indirect.

(4) *Persons holding property of other persons whose property is blocked under Treasury direction.* A person in the United States having custody, control, or possession of property subject to the jurisdiction of the United States in which another person whose property is blocked by specific direction of the Treasury Department under Executive Order No. 8389, as amended, has any interest of any nature whatsoever, direct or indirect, must report all of such property in his custody, control, or possession on the opening of business on the date specified for reporting in the letter or other communication from the Treasury Department, a Federal Reserve Bank, or the Governor of a territory or possession of the United States, notifying him of the blocking. A person having custody, control, or possession of such property who is not so notified of the blocking shall report the property held on the date he actually learns of the blocking. A report under the last sentence should include a detailed statement of the circumstances relating to the filing of the report.

(5) *Persons holding property of other persons whose names are listed in The Proclaimed List of Certain Blocked Nationals.* A person in the United States having custody, control, or possession of property subject to the jurisdiction of the United States in which another person whose name appeared in The Proclaimed List of Certain Blocked Nationals on September 1, 1942, had any interest of any nature whatsoever, direct or indirect, must report all of such property in his custody, control, or possession on the opening of business on that date. A person in the United States having custody, control or possession of property subject to the jurisdiction of the United States in which another person whose name is added to The Proclaimed List of Certain Blocked Nationals after September 1, 1942, has any interest of any nature whatsoever, direct or indirect, must report all of such property in his custody, control, or possession on the opening of business on the date on which the addition of the person's name to the List is promulgated.

(6) *Other persons, directed by Treasury Department to file reports.* Other persons, directed by the Treasury Department to file reports on Series L, shall report such property on such date as may be required by the Department.

(c) *Amount of property.* Reports on Series L required under this Circular

shall be made without any exemption whatever with respect to the amount of property involved, except as provided in subdivision (1) of Instruction (a).

(d) *Reports on previous Series of Form TFR-300—(1) Basic requirement of reports—(a) Persons reporting their own property.* Except as provided in subdivision (3) and subdivision (4) of this Instruction, every person reporting his own property on Series L must also file a report on Series A or Series E, as appropriate, of Form TFR-300 with respect to all property subject to the jurisdiction of the United States on the opening of business on either June 1, 1940, or on June 14, 1941, or both, in which the person had any interest of any nature whatsoever, direct or indirect, even though such a report previously has not been required.

(b) *Persons reporting the property of other persons.* Except as provided in subdivision (3) and subdivision (4) of this Instruction, every person reporting the property of another person on Series L must also file a report or reports on the appropriate series of Series A through Series H of Form TFR-300 with respect to all property in the custody, control, or possession of the person reporting and subject to the jurisdiction of the United States on the opening of business, on either June 1, 1940, or June 14, 1941, or both, in which the person whose property is reported on Series L had any interest of any nature whatsoever, direct or indirect, even though such a report or reports previously have not been required.

(2) *Instructions for reporting on Series A through Series H.* Reports on Series A through Series H required under this Instruction shall be prepared in accordance with the instructions in Public Circular No. 4, except as said instructions are inconsistent with the provisions of this Instruction. Questions 8 through 16 in Part E of Series B may be disregarded. At the top of the first page of each report on Series A through Series H there shall be written the phrase required to be inserted in Part A of the corresponding report on Series L by Instruction 5 (c) in Section IV of this Circular.

(3) *Exemptions.* The reports on Series A through Series H required under this Instruction shall be made without any exemptions whatever, except that if the total value of any property of any national which any one person would otherwise be required to report was on both June 1, 1940, and June 14, 1941, less than \$1,000, the property need not be reported: *Provided*, That this exemption shall not apply to the lease of a safe-deposit box, to patents, trade-marks, copyrights, and franchises, to interest in partnerships and profit-sharing agreements, nor to property the value of which cannot readily be determined: *And provided further*, That in arriving at the value of \$1,000, no deduction shall be made for offsets, liens, or other deductions from gross value. If a person held property of a kind which must be reported without exemption by virtue of the first proviso in the preceding sen-

tence, he must also report all other property held, regardless of the value of such other property.

(4) *Reports previously filed on Series A through Series H.* If a report or reports on Series A through Series H have previously been filed in a case where a report or reports are otherwise required by this Instruction, no report need be filed under this Instruction provided that the report or reports previously filed are substantially identical with those required under this Instruction. In this respect, only, a difference in entries under the nationality caption shall not be regarded as substantial, but if such a difference appears it should be fully explained in the report on Series L.

(5) *Reports previously required but not filed.* The provisions of this Circular in no way excuse the filing of any report on Series A through Series H of Form TFR-300 which would be required if this Circular had not been issued, but which is not required under this Circular.

(6) *Series I, Series J, and Series K.* Nothing in this Circular requires any report on Series I, Series J, or Series K of Form TFR-300, but the requirements for reports on these Series set forth by Public Circular No. 4, Public Circular No. 4A, and Public Circular No. 4B shall remain fully effective.

(e) *Definitions—(1) "Person," "foreign country," and "national."* The terms "person," "foreign country," and "national" are defined as follows in section 5 of Executive Order No. 8389, as amended:

C. The term "person" means an individual, partnership, association, corporation, or other organization.

D. The term "foreign country" shall include, but not by way of limitation,

(i) The state and the government thereof on the effective date of this Order as well as any political subdivision, agency, or instrumentality thereof or any territory, dependency, colony, protectorate, mandate, dominion, possession or place subject to the jurisdiction thereof,

(ii) Any other government (including any political subdivision, agency, or instrumentality thereof) to the extent and only to the extent that such government exercises or claims to exercise *de jure* or *de facto* sovereignty over the area which on such effective date constituted such foreign country, and

(iii) Any territory which on or since the effective date of this Order is controlled or occupied by the military, naval or police forces or other authority of such foreign country,

(iv) Any person to the extent that such person is, or has been, or to the extent that there is reasonable cause to believe that such person is, or has been, since such effective date, acting or purporting to act directly or indirectly for the benefit or on behalf of any of the foregoing.

Hong Kong shall be deemed to be a foreign country within the meaning of this subdivision.

E. The term "national" shall include,

(i) Any person who has been domiciled in, or a subject, citizen or resident of a foreign country at any time on or since the effective date of this Order,

(ii) Any partnership, association, corporation or other organization, organized under the laws of, or which on or since the effective date of this Order had or has had its principal



place of business in such foreign country, or which on or since such effective date was or has been controlled by, or a substantial part of the stock, shares, bonds, debentures, notes, drafts, or other securities or obligations of which, was or has been owned or controlled by, directly or indirectly, such foreign country and/or one or more nationals thereof as herein defined.

(iii) Any person to the extent that such person is, or has been, since such effective date, acting or purporting to act directly or indirectly for the benefit or on behalf of any national of such foreign country, and

(iv) Any other person who there is reasonable cause to believe is a "national" as herein defined.

In any case in which by virtue of the foregoing definition a person is a national of more than one foreign country, such person shall be deemed to be a national of each such foreign country. In any case in which the combined interests of two or more foreign countries designated in this Order and/or nationals thereof are sufficient in the aggregate to constitute, within the meaning of the foregoing, control or 25 per centum or more of the stock, shares, bonds, debentures, notes, drafts, or other securities or obligations of a partnership, association, corporation or other organization, but such control or a substantial part of such stock, shares, bonds, debentures, notes, drafts, or other securities or obligations is not held by any one such foreign country and/or national thereof, such partnership, association, corporation or other organization shall be deemed to be a national of each of such foreign countries. The Secretary of the Treasury shall have full power to determine that any person is or shall be deemed to be a "national" within the meaning of this definition, and the foreign country of which such person is or shall be deemed to be a national. Without limitation of the foregoing, the term "national" shall also include any other person who is determined by the Secretary of the Treasury to be, or to have been, since such effective date, acting or purporting to act directly or indirectly for the benefit or under the direction of a foreign country designated in this Order or national thereof, as herein defined.

(2) "United States." With respect to reports on Series L, the term "United States" means the United States and any place subject to the jurisdiction thereof except the Philippine Islands.

(3) "Custody, control, or possession." The term "custody, control, or possession of property" includes holding or holding title to property in any manner whatsoever, having authority over property as agent, attorney, trustee, or otherwise, owing a debt or other obligation, or having been informed or notified of or subjected to a claim, demand, action, suit, or proceeding, being party to a contract of any nature whatsoever, or having issued financial securities or being subject to any right or claim by way of ownership, control, or participation, in the nature of a proprietorship interest or otherwise.

(4) "Persons whose property is blocked." The term "person whose property is blocked" shall include a national who claimed to be licensed under General License No. 28, General License No. 42, General License No. 68, General License No. 73, or General License No. 80 but who is specifically ruled by the Treasury Department not to have been entitled to the privileges of the license involved.

(5) "Purely transitory visit." The term "purely transitory visit" shall not

be deemed to include a visit to a country by a person who expects to remain there more than three months and who has no fixed abode elsewhere to which to return on the termination of the visit.

(f) *Separation of reports for different nationals.* A separate report shall be made with respect to each person whose property is to be reported on Series L. For example, if the person reporting owes debts to two nationals whose property is to be reported, he will make two separate reports, listing on each report all of his debts to the particular person for whom that report is made. If he owes one debt jointly to two persons whose property is to be reported, he will again make two separate reports, entering the whole debt on each. Any duplication in reporting the same property on several reports or duplication by reason of several persons reporting the same property shall not excuse anyone from rendering all reports required of him.

(g) *Time and place of filing report—*

(1) *Place.* Reports on Series L, and reports on Series A through Series H required by Instruction D, must be executed and filed in *quadruplicate* with the Federal Reserve Bank of the district or the Governor of the territory or possession of the United States in which the person filing the report resides or has a principal place of business or principal office or agency, or if such person has no legal residence or place of business or principal office or agency in a Federal Reserve district or a territory or possession of the United States, then with the Federal Reserve Bank of New York or the Federal Reserve Bank of San Francisco. Persons reporting should retain a copy of each report filed by them.

(2) *Time.* (a) Reports by a national entering the United States after October 31, 1941, and prior to September 1, 1942, shall be filed on or before October 15, 1942. Reports by a national entering the United States on or after September 1, 1942, shall be filed on or before the thirtieth day succeeding the day on which the national entered the United States.

(b) Reports by an applicant for license under General License No. 42 shall be filed at the same time as the license application.

(c) Reports by a person whose property is blocked under Treasury direction shall be filed at such time as shall be required in the letter or other communication informing the person of the blocking.

(d) Reports by a person having custody, control, or possession of property of another person whose property is blocked by direction of the Treasury Department shall be filed at such time as shall be required in the letter or other communication notifying the person reporting of the blocking. A person who is not notified of the blocking shall file reports within fifteen days from the date on which he actually learns of the blocking.

(e) Reports by a person having custody, control, or possession of property of another person whose name appeared in The Proclaimed List of Certain Blocked

Nationals on September 1, 1942, shall be filed on or before October 15, 1942. Reports with respect to property of a person whose name is added to the List after September 1, 1942, shall be filed within fifteen days from the date on which the addition of the person's name to the List is promulgated.

(f) Other persons directed by the Treasury Department to report shall file reports within such time as may be directed by the Department.

(h) *Penalties.* Section 5 (b) of the Act of October 6, 1917 (40 Stat. 415), as amended, applicable hereto, provides in part:

\* \* \* Whoever willfully violates any of the provisions of this subdivision or of any license, order, rule or regulation issued thereunder, shall, upon conviction, be fined not more than \$10,000, or, if a natural person, may be imprisoned for not more than ten years, or both; and any officer, director or agent, of any corporation who knowingly participates in such violation may be punished by a like fine, imprisonment, or both.

(i) *Information regarding preparation of reports.* Anyone desiring information as to whether or not he is required to make a report on any series of Form TFR-300 may apply to any Federal Reserve Bank. Questions and answers relating to Public Circular No. 4 and Series A through Series H which were published after consultation with the Treasury Department may be relied upon in preparing Series L where not inconsistent with this Circular or Series L.

Sec. III. *Property classes.* Before preparing any report, read this section in detail. This Circular requires reports on Form TFR-300, Series L, of all property subject to the jurisdiction of the United States in which persons specified by Instruction B in Section II of the Circular had any interest on the effective dates provided by Instruction B. In this Section, property is classified for purposes of the reports. It is imperative that all property be entered under the correct type on Series L, which requires that the person reporting state whether or not he has reported the value of all property he is called upon to report therein.

The classification herein is identical with that provided in Section III of Public Circular No. 4.

Class A. *Bullion, currency, and deposits.* (1) Bullion, both gold and silver; (2) Currency and coin, United States and foreign; (3) Demand deposits payable in the United States in United States dollars or foreign currency, including any and all demand deposits or accounts maintained with any bank or broker, or others, in the national's own name or jointly with one or more other persons, or on which he has authority to draw, or maintained in some other name for the present or future benefit of the national, or in which the national has an interest, whether or not he has the right to draw thereon; (4) Other deposits payable in the United States in United States dollars or foreign currency, maintained with any bank, broker, or others, including savings accounts, compound interest accounts, accounts represented by certificates of deposit, postal savings accounts,

and any and all other accounts, other than demand deposits, maintained in the national's own name or jointly with one or more other persons, or on which he has authority to draw, or maintained in some other name for the present or future benefit of the national, or in which the national has an interest, whether or not he has the right to draw thereon.

**Class B. Financial securities.** (5) United States Government obligations, including all United States bonds, registered or bearer, notes, bills, certificates of indebtedness, savings stamps, matured coupons, attached or detached, and every other such direct obligation of the United States Government, and all obligations evidenced by financial securities guaranteed as to principal or interest by the United States Government, but not obligations not so guaranteed as to principal or interest; (6) State, municipal, and other local government obligations, including bonds, registered or bearer, matured coupons, attached or detached, notes, certificates of indebtedness, and any other such obligations of any state, territory, district, or possession of the United States, and of any agency or instrumentality or subdivision thereof, and of all municipal corporations, including, without limitation, cities, towns, townships, counties, parishes, irrigation districts, school, water, drainage, and tax districts, special authorities, and any other similar obligations, and including certificates of deposit with respect to any of the foregoing; (7) Bonds of domestic corporations, including mortgage bonds, registered or bearer, and matured coupons, attached or detached, debentures, notes, income bonds, and any other evidences of funded debt, past due or to become due, and all receiver's or trustee's certificates and similar instruments, and any other obligation evidenced by an instrument, negotiable or otherwise, representing funded corporate debt, executed or issued by or in the name of any corporation organized under the laws of the United States or of any state, territory, district, or possession thereof, including all such obligations of any agency or instrumentality of the United States not guaranteed as to principal or interest by the United States Government and including certificates of deposit with respect to any of the foregoing; (8) Common stocks of domestic corporations, of whatever class, voting or nonvoting, including debenture stock, participating stock, and any other type or kind of stock (other than preferred stock), interests in voting trusts, stock pools, and similar interests, and any trustee's certificates, by whatever name called, representing shares or beneficial interests in any business trust or other type of unincorporated business organization except a partnership; (9) Preferred stocks of domestic corporations, including all stock, voting or nonvoting, issued by any domestic corporation, to which any preference of any kind attaches, over any other issue of stock of that same corporation; (10) Foreign securities held in the United States, including mortgage and other bonds, registered

or bearer, and matured coupons, attached or detached, debentures, notes, and any other evidences of funded debt, past due or to become due, negotiable or otherwise, executed or issued either within or without the United States by a foreign government or any subdivision, instrumentality, or agency thereof, whether or not incorporated, or by any corporation or other association or organization, business or otherwise, organized and existing under the laws of any country other than the United States, representing funded debt thereof, and all stock, common or preferred of all types or kinds, and any other instrument by whatever name called, representing shares or beneficial interests in any such corporation, organization, or association and including certificates of deposit with respect to any of the foregoing; (11) Warrants, scrip, rights, and options; other securities, warrants, scrip, rights, options, or other instruments evidencing the right to receive, purchase, or acquire any financial security or interest therein, absolutely or upon contingency, and all other contracts relating to the purchase or sale of financial securities, issued or unissued; and any other financial securities whatsoever or rights therein, commonly dealt in by bankers, brokers, and investment houses in the United States or elsewhere.

**Class C. Notes and drafts; debts to and claims by national.** (12) Checks, drafts, acceptances, and notes, including all checks, cashier's or official bank checks, sight drafts, time drafts, banker's acceptances, trade acceptances, promissory notes, and any and all other notes, drafts, or bills of exchange, and payment orders and remittances; (13) Letters of credit, including all similar instruments or agreements, wherein the obligation of any bank thereunder arises directly or indirectly at the request of, or for the account of, a national or extends to any national named in the letter of credit, or otherwise known, who has any rights, contingent or absolute, to receive any payments in any amount pursuant to the terms of the letter of credit or in reimbursement for any unused portion thereof; (14) Debts, claims, demands, and contracts, including book accounts, accounts receivable, judgments, awards; indebtedness and claims arising under contracts, policies of insurance, and surety and indemnity bonds; draw-backs, rebates, and refunds; and including all other debts, claims, and demands due or past due for the payment of money whether or not secured in any manner whatsoever (other than any represented by an instrument evidencing funded debt, or classified under some other type), due or claimed to be due to a national from any person or corporation residing or doing business in the United States or subject to the jurisdiction thereof, except where the debt was payable only on special demand and the place where due demand therefor could be made is not within the United States; and any and all contracts and rights under contracts, not otherwise classified, to which a national was a party or in which a national had any interest whatever, present or

future, vested or contingent, executory or partly executed, liquidated or unliquidated, regardless of the nature of the contract or the nature and extent of the national's interest therein.

**Class D. Miscellaneous personal property; personal property liens.** (15) Warehouse receipts, bills of lading, and any and all other instruments, negotiable or otherwise, representing claims to or on personal property; (16) Options and futures in commodities, traded on any commodity exchange, including any interest in, or present or future claims to, any commodities or the proceeds of the sale of any commodities; (17) Goods and merchandise for business use, except jewelry, etc., including stocks of raw materials, agricultural products, goods in process, finished goods in stock or on consignment, goods on vessels or otherwise in transit, other than jewelry, precious stones, and precious metals; (18) Jewelry, precious stones, and precious metals, other than bullion, whether held for personal use, or as stock in trade, or for other commercial purposes; (19) Machinery, equipment, and livestock, for business use, all machinery or equipment on hand, stored, or in use, automobiles (business), trucks, automotive or otherwise, and other vehicles, office equipment and furnishings, and whatever else of like or similar type, customarily classified as machinery and equipment, vessels of any type and tonnage, charter parties, and all other interests represented by instrument or otherwise in the ownership, rights to possession, use, or control of any vessel (other than maritime or other liens thereon); farm machinery and equipment, livestock; and all other tangible personal property used in the operation of any business or occupation; (20) Objects of art and furnishings for personal use, including all art objects, coin and stamp collections, household furniture and furnishings, automobiles (personal), and all other tangible personal property not used for commercial purposes; (21) Liens on and claims to personal property, not otherwise classified, including trust receipts, bills of sale, contracts for conditional sale or resale, lease-sale arrangements, repurchase agreements, chattel mortgages, pledges; maritime, cattle, timber, and crop liens; and all other instruments not otherwise classified evidencing any lien on, or claim to, personal property, and all other liens on or claims to personal property, not represented by any instrument by whatever name called, arising by agreement or by operation of law.

**Class E. Real property; mortgages; other rights to land.** (22) Lands and buildings for personal use, including only property used exclusively as a dwelling by the national and his family and not more than one other family; (23) Lands and buildings other than for personal use, including all property used as a dwelling other than that classified under type 22 preceding, all lands and the buildings, structures, and other improvements thereon used for commercial, manufacturing, merchantile, agricultural, and other business purposes, and interests

therein; ground rents, leaseholds, together with rents, accrued or to accrue, tax warrants, easements, mineral rights, oil rights, timber and other rights in or to land or the products thereof or a share therein, royalties, and any other rights in the lands of another; (24) Mortgages on real property; other rights to land, mortgage bonds, mortgage notes [other than corporate mortgage bonds or notes represented by financial securities], mortgage participation certificates, guaranteed or otherwise, deeds of trust, and any other bond, note, or other instrument secured by a lien on any real property or interest therein; contracts for the purchase and sale of real property, whether or not partially executed, options, and any and all other rights or interests in or liens, vested or contingent, upon real property or upon an interest in real property.

**Class F. Patents, trade-marks, and copyrights; franchises.** (25) Patents, trade-marks, copyrights, and inventions, including patents, trade-marks, registered or unregistered, copyrights, inventions, and secret processes, or any present, future, or contingent interest therein and agreements pertaining thereto; all rights incidental to the ownership of patents, trade-marks, or copyrights, including applications therefor and licenses, by definition or otherwise, immunities, and assignments, relating thereto, and any other contracts affecting or involving the foregoing such as, but not by way of limitation, the right to receive royalties, including any royalties due and unpaid, royalties paid in advance, reciprocal licensing arrangements and contracts by which any information in the nature of technical data, know-how, or otherwise, is transmitted or exchanged, or any right therein by which any license or privilege is granted or may be exercised, to examine the operations of any plant, factory, or other productive unit, to examine or supervise the books thereof, to inspect any finished product, or to have the right of visitation or any other such right incidental to or separate from the right to receive royalties or other compensation; (26) Franchises, concessions, licenses, and permits, by any of which any special right or privilege may be exercised affecting the commencement, continuation, or conduct of a business, or as an incident thereto.

**Class G. Estates and trusts.** (27) Interests in estates and trusts, each and every right or interest, present or future, absolute or contingent, in or to any of the property or estate of a deceased person, which may belong to the national or in which he has an interest, whether the same exists by reason of the provisions of a last will and testament or by operation of law in case of the intestacy of the deceased, and all other rights or interests, present or future, absolute, revocable, or contingent, belonging to the national or in which he has an interest, in or to any property or fund held or controlled by a trustee or other fiduciary by whatever name described.

**Class H. Partnership and profit-sharing agreements.** (28) Interests under partnership and profit-sharing agree-

ments, all partnership agreements, general, special, limited, or other type, agreements for joint adventures; profit-pooling and profit-sharing agreements and any and all other rights to receive, or share in, profits of partnerships, business trusts, or other nonincorporated business organizations [not represented by a financial security], whether or not the rights granted under such agreement are security for a debt due, or as a manner or method of liquidating such debt or otherwise.

**Class I. Insurance policies; annuities.** (29) Surrender value of insurance policies; present value of annuities, of all types, including pensions and endowments and pension and endowment contracts, determined in accordance with standard actuarial practice.

**Class J. Other property.** (30) Other property, not classifiable under types 1 to 29, including any and all other property, real, personal, or mixed, tangible or intangible, or interest or interests therein, present, future, or contingent; debts due or to become due, claims, demands, actions, causes or things in action, or interest therein, not specified, mentioned, or referred to in any of the foregoing property classes designated "Class A" to "Class I," inclusive.

**SEC. IV. Detailed instructions for filling out form—1. Purpose of form.** Series L is to be used to report property of certain persons as required under this Circular. See particularly Instructions A and B in Section II.

**2. Instructions applicable to entire series—(a) Reading circular.** If you have not already read carefully Sections I, II, and III of this Circular, do so before reading this Section. Persons reporting property which previously should have been reported on Series C through Series H of Form TFR-300 and not on Series A or Series B should also read Section V before attempting to prepare a report.

**(b) Answers required.** Each question on the Series must be answered, and all the specific information called for must be given. When there is nothing to report under any question or, if information is lacking, state "No," "None," or "Unknown," as the case may be, with an explanation if required, except that in Part C spaces not needed for reporting should be left blank. No person is excused from furnishing any information he reasonably should have.

**(c) Number of copies required.** File each report in quadruplicate. You should retain for yourself an additional copy of each report.

**3. Effective date of report.** Each person reporting shall enter in this space the effective date of the report as provided by Instruction B in Section II of this Circular. Great care should be taken that the proper date is entered. Do not enter the date on which the report is filled out or the date on which the affidavit to the report is subscribed and sworn.

**4. Nationality—(a) General.** Enter in this space the name of each country of which the person whose property is being reported is a national, as defined in Section 5E of Executive Order No. 8389, as amended. If the person is a national

of any foreign country by reason of any fact other than that such person has been a subject or citizen of the country, the facts determining the person's nationality must be stated in question 5 of Part E. In answering question 5, state all the facts concerning the nationality of the person, including those relating to his status as a national of the country, if any, of which he has been a subject or citizen.

**(b) Proclaimed list.** If the person whose property is being reported is listed on The Proclaimed List of Certain Blocked Nationals, insert the words "Proclaimed List" under the nationality caption, in addition to the name of each foreign country of which the person is a national. Do not insert the name of any foreign country merely because the person is listed on The Proclaimed List of Certain Blocked Nationals.

**5. Part A. (a) Name.** If the national is an individual doing business under a trade name, give that name in addition to his actual name.

**(b) Citizenship.** If the national is not an individual, enter the name of the country, State, district, territory, or possession under the laws of which it is incorporated, or, if unincorporated, in which it has its principal place of business. When the national is a subject or citizen of more than one country, state the name of each country, including the United States when that is one of the countries.

**(c) Reason for report.**

(i) A national entering the United States after October 31, 1941, should enter in this space a statement in the following form: "National entering the United States on \_\_\_\_\_, 1942," with the appropriate date.

(ii) An applicant for license under General License No. 42 should make a statement in the following form: "General License No. 42 Application report—application dated \_\_\_\_\_, 1942," with the appropriate date.

(iii) A person whose property is blocked by specific direction of the Treasury Department should make a statement in the following form: "Filed pursuant to blocking letter from Federal Reserve Bank of \_\_\_\_\_, dated \_\_\_\_\_, 1942," with appropriate insertions. If notice of the blocking is received from a source other than a Federal Reserve Bank, the insertion should be modified accordingly.

(iv) A person holding property of another person, whose property is blocked by specific direction of the Treasury Department should make a statement in the following form: "Filed pursuant to blocking letter from the Federal Reserve Bank of \_\_\_\_\_, dated \_\_\_\_\_, 1942," with appropriate insertions. If notice is received from a source other than a Federal Reserve Bank, the statement should be modified accordingly. A person reporting without having received any notice should utilize this space for the explanation required under subdivision (4) of Instruction B in Section II of this Circular.

(v) A person holding property of another person whose name appeared on



The Proclaimed List of Certain Blocked Nationals on September 1, 1942, should enter "Proclaimed List—September 1, 1942." A person holding property of a person whose name is added to the List after September 1, 1942, should make a statement in the following form: "National's name added to Proclaimed List on \_\_\_\_\_, 1942," with the appropriate date.

(vi) Other persons, reporting by direction of the Treasury Department, shall make such statement as may be required by the Department.

6. *Part B—(a) Person reporting his own property.* A person reporting his own property need not fill out this Part further than to enter his name in the Part.

(b) *Persons reporting property of others.* A person reporting the property of another should state in Part B, as indicated in the margin thereof: (i) his name; (ii) his address; (iii) his business; (iv) the state or country of which he is a citizen or under the laws of which it is incorporated or, if unincorporated, in which it has its principal place of business; (v) if the person reporting is a national as defined in Section 5E of Executive Order No. 8389, as amended, the name of each country of which he is a national; and (vi) his relationship to the national whose property is being reported, *e. g.*, as agent, nominee, trustee, custodian, banker, etc. The information may be given by any method producing a readily legible impression.

7. *Part C. Schedule I—(a) General.* This schedule requires the valuation of all the property of the person whose property is being reported within each property type contained in the classification set out in Section III of this Circular, which must be followed strictly. Property not falling under any of the other types of the classification must be reported under type 30, but no property shall be reported under type 30 if it constitutes property reportable under any other type.

(b) *Valuation.* Enter in the column for property holdings the total value of the items of each type of property held on the effective date of the report, at the market price at the close of business on the preceding day, or, if such price is not available, at the estimated value on the effective date. In estimating value, the last sale price or bid, if reasonably close to the effective date, may be used as a basis. Concerning the effective date, see Instruction 3 in this section.

All amounts reported should be given in dollars to the nearest dollar. Do not enter fractions of a dollar on the report. However, in determining the value of a property item consisting of more than one unit, fractions of a dollar in the unit value should not be disregarded. For example, if 10 shares of a particular stock are to be reported and the value of each share was \$116 $\frac{3}{4}$ , so that the exact total value was \$1,163.75, the amount entered on the report should be \$1,164.

(c) *Value expressed in foreign currency.* Property, the value of which was expressed in a foreign currency, or which was to be paid or liquidated in a foreign currency, shall be valued at the dollar

value if dollar market value existed for such property itself; if not, the foreign currency value thereof shall be converted into dollars, in accordance with the instructions relating to exchange rates given in Section VI of this Circular.

(d) *Property of indeterminable value.* In reporting property of indeterminable value, enter "Indeterminable" under the appropriate property type in Schedule I and describe the property in Schedule III, as required by Instruction 9 below. When property of determinable value and property of indeterminable value are to be reported under one property type in Schedule I, the determinable amount should be entered under the property type without indication of the property having indeterminable value, but descriptions of the items should be given in Schedule III in accordance with Instruction 9.

(e) *Inventories.* If in the regular course of its business, a person engaged in business prepared an inventory of merchandise, and machinery and equipment, or either, within a year of the effective date of the report, and if the information required to be furnished in Schedule I is not available from other existing records of the national, such inventory prepared nearest to the effective date and the values indicated thereon may be used in filling out Schedule I, with appropriate notation of such use, including the date of the inventory.

(f) *Orders for goods.* Orders for goods and contracts for the sale of goods need not be reported, but report must be made of long-term merchandise contracts.

(g) *Goods in transit.* Goods in transit need be reported only by nationals reporting their own property, but goods in storage must be reported by any person having custody, control, or possession of the goods, including carriers holding goods in storage.

8. *Part C. Schedule II.* This Schedule requires a statement of the indebtedness of the national payable to persons in the United States, within each indebtedness type as classified and described in the Schedule. State under each type only the total amount of indebtedness of that type being reported. Nationals reporting for themselves should enter all their indebtedness of each type. Persons reporting concerning nationals should enter only the indebtedness owed by the national to them. All amounts should be given in dollars to the nearest dollar. Do not enter fractions of a dollar. Indebtedness payable in foreign currency should be converted into dollars in accordance with the instructions relating to exchange rates given in Section VI of this Circular.

9. *Part C. Schedule III—(a) Property items to be listed.* List in this Schedule, in the order in which the property types are given in Schedule I of this Part, each item of property, concerning which report is being made, having a value of \$1,000 or more on the effective date of the report: *Provided*, That persons reporting by virtue of subdivision (3) or subdivision (4) of Instruction A in Section II of this Circular shall list all items of property, without

exception as to value. Property items included in Class F, *i. e.*, patents, trademarks, copyrights, and franchises, and in Class H, *i. e.*, partnership and profit-sharing agreements, shall be listed, even though valued at less than \$1,000. However, no reference whatever should be made to any invention with respect to which a secrecy order has been issued by the Commissioner of Patents pursuant to the Act of October 6, 1917 (40 Stat. 394), as amended. Also, list all items of property, the value of which is not readily determinable. Except as provided in this paragraph, property items of a value less than \$1,000 should not be listed in this Schedule, although the value of each must be included in the total value of property of the appropriate type in Schedule I.

(b) *Definition of property item.* A property item is any unit of property commonly bought, sold, assigned, released, or alienated, except that the total of wholly similar units of the same kind is regarded as one item, such as a number of certificates each for shares of stock of the same issue, or a number of bonds of the same issue, or several head of cattle. The total number of units of such property shall be stated, but in other respects the property may be treated entirely as one item. Several bank accounts with the same institution, or several debts payable by the same debtor, shall be itemized separately in this Schedule if the aggregate amount thereof exceeds \$1,000, even though each individual item is less than \$1,000.

(c) *Method of listing.* Enter in Column (a) the number of the property type in which the item is included. Enter in Column (b) a short description or identification of the property item. In case of property, such as a patent, commonly referred to by number or other similar designation, state briefly the object or nature of the property in addition to the number or other designation. With regard to property other than debts and claims, enter in Column (c) in addition to other appropriate information, the name and address of the person, if any, with whom the property was deposited or by whom it was held, and give the number or other designation of any safe deposit box or similar receptacle, if any, in which the property was kept. Respecting deposits, debts, etc., owed to the national, state the name and address of the debtor and disregard the location of the evidence of indebtedness. If the property was held by or owned by the person reporting, it will suffice to state "Person reporting" in place of the name and address. Enter in Column (d) the value of each property item on the effective date of the report, as determined in accordance with the provision for valuation in Instruction 7, above.

(d) *Continuation sheets.* Continuation sheets identical in form with Schedule III are provided for the use of persons reporting who find the space in Schedule III insufficient.

10. *Part D. Section I.* All the information called for in the questions under this Part must be given as of the effective

date of the report for each of the property items listed in Part C, Schedule III. In the answers, each item of property shall be designated by the number of its type and by its description, or a summary of the description, in Part C, Schedule III.

11. *Part D. Section II.* The questions in this Section must be answered by every person reporting on Series L. The purpose of the Section is to obtain definite information whether a report or reports on Series A through Series H of Form TFR-300, in accordance with Instruction D in Section II of this Circular, should be filed by the person reporting on Series L. Persons who answer the applicable part of question 1 in the affirmative and who answer question 2 (a) in the negative must file a report or reports on Series A through Series H unless the property comes within the exemption provided by subdivision (3) of Instruction D in Section II.

12. *Affidavit—(a) Necessity and manner of execution.* The report must be signed and sworn (affirmed) to before an officer authorized to administer oaths whose seal must be affixed. Reports will not be accepted unless properly executed. The affidavit need be attested only on the original of the report but the affidavits on copies must be fully conformed except as to the notarial seal.

(b) *Who shall execute.* Affidavits on behalf of partnerships shall be executed by a partner. Affidavits on behalf of any other organization shall be executed by the president, vice-president, secretary, or some other principal officer authorized to make the report on behalf of the organization.

SEC. V. *Special instructions to persons previously reporting on Series C through Series H.* Persons holding property which they should have reported on Series C through Series H of Form TFR-300, if the reporting dates for those series had extended to the date for reporting on Series L, should prepare Part C and Part D, Section I, of Series L as nearly as possible in the same manner as they would have reported on Series C through Series H. It is intended that the reports on Series L of property which previously would have been made on Series C through Series H shall be as closely comparable as possible in data and presentation to reports on those Series. See also Instruction I in Section II of this Circular. Persons who would have reported safe-deposit boxes on Series D should utilize Part E, questions 6, 7, and 8 of Series L, instead of Part C and Part D, Section I.

The provisions of this section in no way excuse the filing of reports on Series C through Series H which are required under this Circular or under Public Circular No. 4.

SEC. VI. *Table of exchange rates.* Where the value of property expressed in terms of foreign currency is required to be converted into dollars, the rates of exchange set forth below should be used. If no rate is given for a country, the latest rate next before the effective date of the report, as generally quoted by foreign exchange dealers or other recognized

sources of information, shall be used. Such rate should be clearly stated in the report.

The exchange rates given in this table are for use only in preparing reports on Form TFR-300, Series L, and are not intended to be used or relied upon in any other connection or for any other purpose whatsoever. In making reports on Series A through Series H of Form TFR-300 in accordance with Instruction D in Section II of this Circular, the instructions and table of exchange rates set forth in Section XIII of Public Circular No. 4 should be employed.

Country	Monetary unit	U. S. cents per unit
Argentina	Peso	23.7
Australia	Pound	323.0
Belgium	Belga	17.0
Bolivia	Boliviano	2.1
Brazil	Milreis	4.9
British India	Rupee	30.0
Bulgaria	Lev	1.2
Canada	Dollar	91.0
Chile	Peso	3.2
China	Yuan	5.3
Colombia	Peso	57.0
Cuba	Peso	100.0
Denmark	Krone	19.3
Ecuador	Sucre	7.1
Egypt	Pound	408.0
Eire	Pound	403.0
Finland	Markka	2.0
France	Franc	2.3
French Indo China	Plaster	23.0
Germany	Reichsmark	40.0
Greece	Drachma	.7
Hong Kong	Dollar	25.0
Hungary	Pengo	19.8
Italy	Lira	5.3
Japan	Yen	23.4
Mexico	Peso	20.6
Netherlands	Guilder	53.0
Netherlands East Indies		
Netherlands West Indies		
New Zealand	Pound	323.0
Norway	Krone	23.0
Panama	Balboa	100.0
Peru	Sol	15.4
Philippine Islands	Peso	50.0
Poland	Zloty	19.0
Portugal	Escudo	4.0
Rumania	Leu	.5
Russia	Ruble	19.0
South Africa	Pound	398.0
Spain	Peseta	9.0
Straits Settlement	Dollar	47.0
Sweden	Krona	23.8
Switzerland	Franc	23.2
Turkey	Pound	75.0
United Kingdom	Pound	403.0
Uruguay	Peso	52.6
Venezuela	Bolivar	30.0
Yugoslavia	Dinar	2.0

[SEAL] RANDOLPH PAUL,  
Acting Secretary of the Treasury.

[F. R. Doc. 42-9093; Filed, September 14, 1942;  
3:38 p. m.]

## TITLE 32—NATIONAL DEFENSE

### Chapter IX—War Production Board

#### Subchapter A—General Provisions

#### PART 903—DELEGATIONS OF AUTHORITY

##### [Supplementary Directive 1-K]

#### FURTHER DELEGATION OF AUTHORITY TO THE OFFICE OF PRICE ADMINISTRATION WITH REFERENCE TO RATIONING OF FARM MA- CHINERY AND EQUIPMENT

§ 903.13 *Supplementary Directive 1-K.* (a) In order to permit the efficient rationing of farm machinery and equipment, the authority delegated to the

Office of Price Administration in § 903.1 (Directive No. 1) is hereby extended to include the exercise of rationing control (including but not limited to the issuance of suspension orders against any person who has acted in violation of any regulation or order issued pursuant to this Supplementary Directive No. 1-K) over the use by any person, or the sale, transfer, or other disposition by any person to any other person, of farm machinery and equipment, except the persons specified in subparagraphs (1) and (2) of paragraph (a) of said Directive No. 1. The exercise of such authority shall be subject to the terms and conditions specified in Directive No. 1. The Office of Price Administration may delegate to such persons as it may designate, including the Secretary of Agriculture, the exercise of all functions, duties, powers, authority or discretion, conferred upon it with regard to the rationing of farm machinery and equipment.

(b) As used in this supplementary directive, the term "farm machinery and equipment" means agricultural machinery, mechanical equipment and implements used for the production or care of crops, livestock, livestock products, or other produce on a farm (or elsewhere in the case of poultry), including all attachments used in conjunction with farm machinery and equipment, irrigation and drainage equipment (excluding tile), horseshoes, horseshoe nails and harness hardware; but excluding repair parts, and also excluding all of the following: automobiles, trucks, tracklaying type tractors, equipment ordered by the United States Department of Agriculture or other United States Government Agencies, buildings and repairs thereto, fencing, poultry nettings and wire, wire fencing, bale ties or straps, oil well casing and water pipe, nails (other than horseshoe nails) and sundry hardware. (E. O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; E.O. 9125, April 7, 1942, 7 F.R. 2719; sec. 2 (a), Public No. 671, 76th Cong., 3d Sess., as amended by Public No. 89, 77th Cong., 1st Sess., and by Public No. 507, 77th Cong., 2d Sess., WPB Directive No. 1, Jan. 24, 1942, 7 F.R. 562; WPB Reg. No. 1, Jan. 26, 1942, 7 F.R. 561, as amended March 14, 1942, 7 F.R. 2126.)

Issued this 12th day of September 1942.

AMORY HOUGHTON,  
Director General for Operations.

[F. R. Doc. 42-9099; Filed, September 14, 1942;  
4:57 p. m.]

#### PART 977—MANILA FIBER AND MANILA CORDAGE

[Amendment 1 to General Preference Order  
M-36, as Amended July 4, 1942]

#### Correction

In subdivision (iv) in the middle column of page 7142 of the issue for Thursday, September 10, 1942, the reference in the sixth line should be to paragraph "(e)" instead of paragraph "(c)".

**PART 903—DELEGATION OF AUTHORITY**  
[Supplementary Directive 1-L]

**RATIONING IN THE PANAMA CANAL ZONE**  
*Correction*

Paragraph (a) of § 903.14 *Supplementary Directive 1-L—Further delegation of authority with respect to rationing in the Panama Canal Zone* appearing on page 7200 in the issue for Saturday, September 12, 1942, should read as follows:

§ 903.14 *Supplementary Directive 1-L—Further delegation of authority with respect to rationing in the Panama Canal Zone.* (a) In order to permit the efficient rationing of all material in the Panama Canal Zone, the authority delegated to the Office of Price Administration by Directive No. 1 (§ 903.1) is hereby extended to include the exercise of control over the sale, distribution and use of all materials in the Panama Canal Zone, except the acquisition or use thereof by or for the account of any of the persons or agencies designated in subparagraph (1) of paragraph (a) of said Directive No. 1. The exercise of such authority shall be subject to the terms and conditions specified in said Directive No. 1 and to the conditions hereinafter specified in this Supplementary Directive and, in the case of exports, shall also be subject to the provisions of section 6 of the Act of July 2, 1940 (54 Stat. 714) and the pertinent regulations issued thereunder.

**PART 1134—TEA**

[Amendment 3 to Order M-111 as Amended May 1, 1942]

Section 1134.1 *Conservation Order M-111* is hereby amended in the following respects:

1. Paragraph (d) is amended by the addition of a new subparagraph numbered (d) (7) and reading as follows:

(7) Any packer who delivers a substantial portion of his quota of tea directly to consumers and/or to retailers may, by letter, submit to the War Production Board a plan to transfer the distribution of all or a part of that portion to wholesale receivers of the class described in paragraph (b) (4) of this order. Such a plan must contemplate a substantial conservation of automotive and related equipment and material, and, further, contain provision for equitable distribution of the transferred volume among such wholesale receivers and an equitable redistribution of that volume

within the areas previously served directly by the packer. If such a plan is authorized by the Director General for Operations, the packer may deliver to wholesale receivers of the class described in paragraph (b) (4), and such wholesale receivers may accept without charge to their quotas, the volume of tea authorized for transfer, provided delivery of such tea is accompanied by a dated certification by the packer reading substantially as follows:

Pursuant to authorization issued to the undersigned by the War Production Board, you may accept the tea delivered hereunder without charge to your quota as a wholesale receiver.

Name of packer company-----

-----

By ----- Title -----

2. A new paragraph, numbered (e-1) and reading as follows, is inserted between paragraphs (e) and (f):

(e-1) *Restrictions relating to importers' and packers' inventories.* (1) Except as permitted by paragraph (e-1) (2) below or as specifically authorized by the Director General for Operations or for the purpose of filling orders under paragraph (d) (4) above, no person shall knowingly deliver tea to any importer or to any packer, and no importer and no packer shall accept delivery thereof, if his inventory of tea is, or will by virtue of such acceptance become, if he is an importer, in excess of one-twelfth of the total quantity of tea delivered by him in 1941 in original bulk import packages or, if he is a packer, in excess of one-fourth of the total quantity of tea accepted by him during 1941. For purposes of this order, an "importer" is any person, other than a government agency, engaged in the business of importing tea for resale in original bulk import packages, to the extent that he is so engaged. Any tea in the possession of an importer but set aside and held for the account of a packer shall be considered the packer's inventory.

(2) If a shipment of tea imported by or specifically for a packer arrives in the United States and, by virtue of paragraph (e-1) (1), such packer is not entitled to accept delivery of any or all of such tea but is unable to make an immediate bona fide sale to some unaffiliated person, who is entitled to accept delivery, of the excess portion of such shipment or an equivalent amount of tea from his existing inventory, such packer may take possession of such excess, pending the actions provided for below:

(i) Within 72 hours after the arrival of such tea in the United States, such packer shall offer, through established

tea dealers and/or brokers, such excess, or an equivalent quantity of tea from his existing inventory, for bona fide sale to any unaffiliated person who is entitled to accept delivery;

(ii) At the same time, he shall forward a report, by letter or telegram, of such actions to the War Production Board, stating the steamer, the port of arrival, the excess quantity (by chests and chest weights), whether he intends to sell such tea or an equivalent amount from his existing inventory, a description (type, grade), the location of the tea offered for sale, and the brokers and/or dealers through whom the offer is being made.

(iii) In the event of sale, he shall forward a report, by letter or telegram, on such sale, within 24 hours thereafter, to the War Production Board, stating the name of the purchaser and the date of sale.

(iv) If, before any such offer for sale is accepted, the packer becomes entitled under paragraph (e-1) (1) above to accept delivery of a quantity of tea, the restrictions of paragraph (e-1) (2) may be considered removed as to the quantity he is so entitled to accept, provided he forwards notice thereof, by letter or telegram, to the War Production Board within 24 hours after he becomes entitled to accept delivery.

3. A new paragraph, numbered (p) and reading as follows, is added:

(p) Every importer, every packer, and every wholesale receiver shall immediately set aside, for the requirements of government agencies, his entire inventory of green tea which is not packed in containers of one-fourth of one pound or less or in tea bags or tea balls. Without regard to existing contracts, all tea set aside shall, unless and until released, be held for allocation to any government agency by the Director General for Operations. On or before September 25, 1942, every person required to set aside green tea shall report to the War Production Board, by letter, the types, quantities (by chests and chest weights), and locations of the tea required to be set aside.

(P.D. Reg. 1, as amended, 6 F.R. 6330; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2, (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 15th day of September 1942.

AMORY HOUGHTON,  
Director General for Operations.

[F. R. Doc. 42-9120; Filed, September 15, 1942; 11:31 a. m.]

<sup>1</sup> 7 F.R. 4841, 6385.

Chapter XI—Office of Price Administration  
PART 1315—RUBBER AND PRODUCTS AND  
MATERIALS OF WHICH RUBBER IS A  
COMPONENT

[Maximum Price Regulation 220]

CERTAIN RUBBER COMMODITIES

In the judgment of the Price Administrator the maximum prices established by this regulation are and will be generally fair and equitable, will effectuate the purposes of the Emergency Price Control Act of 1942 and are necessary to adjust the provisions of the General Maximum Price Regulation<sup>1</sup> to the particular circumstances of manufacturers of rubber commodities. A statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith and filed with the Division of the Federal Register.\*

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1<sup>2</sup> issued by the Office of Price Administration, Maximum Price Regulation No. 220 is hereby issued.

AUTHORITY: §§ 1315.1551 to 1315.1566, inclusive issued under Pub. Law 421, 77th Cong.

§ 1315.1551 *Applicability of the General Maximum Price Regulation.* The provisions of §§ 1499.1 to 1499.3, inclusive, and §§ 1499.21 to 1499.23, inclusive, of the General Maximum Price Regulation shall not apply to sales or deliveries of rubber commodities (as defined in paragraph (a) (4) of § 1315.1564) by the manufacturers thereof. All other sections of the General Maximum Price Regulation, together with existing and subsequent supplementary regulations (including Supplementary Regulation No. 4 to the General Maximum Price Regulation) and amendments to such sections, shall apply to sales and deliveries by such manufacturers, and are hereby incorporated by reference into this Maximum Price Regulation No. 220.

§ 1315.1552 *Prohibition against dealing in rubber commodities above maximum prices.* (a) On and after September 19, 1942, regardless of any contract or other obligation (except as provided in paragraph (d) of this section):

(1) No manufacturer shall sell or deliver any rubber commodity at a price higher than the maximum price permitted by this Maximum Price Regulation No. 220; and

(2) No person in the course of trade or business shall buy or receive any such commodity from a manufacturer at a price higher than the maximum price permitted by this Maximum Price Regulation No. 220; *Provided*, That in the case of commodities for which a maximum

price has been established under §§ 1315.1556 or 1315.1557 of this Maximum Price Regulation No. 220, if the purchaser shall receive from the seller a written affirmation that the seller has calculated the maximum price for the commodity in accordance with § 1315.1556 or § 1315.1557 and has filed a report with the Office of Price Administration and if in such case the purchaser shall have no knowledge of the maximum price and no cause to doubt the accuracy of the affirmation, and provided the price paid is not in excess of the maximum price as affirmed by the seller, the purchaser shall be deemed to have complied with this section.

(b) The provisions of paragraph (a) (2) of this section shall not be applicable to any war procurement agency or any contracting officer thereof, and any such contracting officer or any paying finance officer shall be relieved of any and every liability, civil or criminal, imposed by this Maximum Price Regulation No. 220 or by the Emergency Price Control Act of 1942.

(c) On and after September 19, 1942, no manufacturer shall sell, offer to sell, deliver or transfer any rubber commodity for which a maximum price must be determined under § 1315.1558 until he has complied with the reporting and waiting provisions thereof.

(d) Nothing in this Maximum Price Regulation No. 220 shall prevent the fulfillment of contracts entered into before September 19, 1942, for the sale of rubber commodities at prices not exceeding the maximum prices established by the General Maximum Price Regulation prior to September 19, 1942.

§ 1315.1553 *Maximum prices for rubber commodities delivered or offered for delivery during March 1942.* The maximum price for a sale by a manufacturer of any rubber commodity which is the same as a commodity which was delivered or offered for delivery in March 1942, by the manufacturer, shall be the highest price charged by the manufacturer, during March 1942 (as defined in paragraph (a) (1) of § 1315.1564) for the commodity.

§ 1315.1554 *Maximum prices for rubber commodities not delivered or offered for delivery during March 1942.* The maximum prices for a sale by a manufacturer of any rubber commodity which is not the same as a commodity which was delivered or offered for delivery by the manufacturer during March 1942, shall be the price determined by the first one of the four methods set forth in §§ 1315.1555, 1315.1556, 1315.1557 and 1315.1558 which applies to the commodity.

§ 1315.1555 *First pricing method: Minor changes.* The maximum price of any commodity differing from a commodity delivered or offered for delivery by the manufacturer during March, 1942, only by reason of minor changes in material, design, or construction which do not reduce cost of materials or prevent its offering fairly equivalent serviceability

shall be the maximum price of the commodity delivered or offered for delivery during that period.

§ 1315.1556. *Second pricing method: Changes necessitated by shortages of materials or parts—(a) Maximum prices.* The maximum price of any commodity which cannot be priced under § 1315.1555 and which differs from a commodity delivered or offered for delivery by the manufacturer during March, 1942, only because of changes necessitated by shortages of materials or parts, shall be the maximum price of the commodity delivered or offered for delivery during that month, adjusted by adding or subtracting the increase or decrease in direct costs resulting from the changes. The seller must determine the maximum price of a commodity priced under this section before he first offers it for sale. Once the seller has determined his maximum price for a particular commodity under this section, that price is his maximum thereafter.

In calculating the direct costs for both the commodity delivered or offered for delivery during March, 1942, and the changed commodity the manufacturer shall follow the method for computation of direct costs set forth in paragraph (a) (1) of § 1315.1557.

(b) *Report of maximum prices.* Within five days after a purchaser first agrees to buy a commodity for which a maximum price must be determined under this section, or at any time prior thereto, the manufacturer shall report to the Office of Price Administration, Washington, D. C., the maximum price as computed by him. The report shall contain a description of the commodity delivered or offered for delivery during March, 1942, and of the commodity being priced under this section, a detailed explanation of the changes made (including any innovation in manufacturing process) and the reasons therefor and details of the computation of direct costs and of the maximum price. The manufacturer may not accept payment for the commodity until fifteen days have elapsed after the mailing of the report. Within this fifteen day period the price so reported shall be subject to adjustment by the Office of Price Administration. Subsequent to this fifteen day period, such price shall be subject to adjustment (not to apply retroactively) at any time upon the written order of the Office of Price Administration.

§ 1315.1557 *Third pricing method: Other than minor changes or changes necessitated by shortages of materials or parts.* The maximum price of any commodity which cannot be priced under §§ 1315.1555 or 1315.1556 shall be the price derived by the use of the following formula: The maximum price shall be the sum total of direct costs and gross margin, determined as follows:

(a) *Maximum price for the first sale—(1) Computation of direct costs.* The direct costs of a commodity shall be the sum total of direct labor and direct materials costs. The direct labor costs shall be determined by multiplying the

\*Copies may be obtained from the Office of Price Administration.

<sup>1</sup> 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5028, 5192, 5276, 5365, 5445, 5484, 5565, 5775, 5783, 5784, 6007, 6058, 6081, 6216, 6615, 6794, 6939, 7093.

<sup>2</sup> 7 F.R. 971, 3663, 6967.

estimated number of hours of each type of labor required in the manufacture of the rubber commodity by the wage rates determined in accordance with subdivision (i) of this subparagraph (1). The direct materials costs shall be determined by multiplying the estimated quantity of each type of material required in the manufacture of the rubber commodity by the materials prices determined in accordance with subdivision (ii) of this subparagraph (1).

(i) *Wage rates.* The wage rates applicable to any commodity shall be the highest wage rates, in effect in the manufacturer's plant for any substantial portion of March, 1942, for each class of labor involved in the production of the commodity. If the manufacturer did not employ a given class of labor in March, 1942, he shall use the highest wage rate paid for any substantial portion of March, 1942, by the nearest employer operating under comparable conditions who employed that class of labor during that month.

(ii) *Materials prices.* The price of any materials used in the commodity being priced shall be the highest price charged during March, 1942, (as defined in paragraph (a) (1) of § 1315.1564) by the manufacturer's supplier; except that if the Office of Price Administration has established a lower maximum price for the sale of that material to the manufacturer by his supplier, such lower price shall govern. If the material was not delivered or offered for delivery by the manufacturer's supplier during March, 1942, the material price shall be the first price at which the manufacturer's supplier offered to sell the material to a purchaser of the same class as the manufacturer after March 31, 1942, or the maximum price for the material established by the Office of Price Administration, whichever is the lower. The manufacturer's supplier shall be (a) his March, 1942, supplier of the material, or (b) lacking a March, 1942, supplier of the material, his most recent supplier of the material. If neither of these exists; it shall be his potential supplier. For the purposes of this subdivision (ii) if the manufacturer shall receive a written affirmation from the seller that the material is being sold at a price which is not in excess of the maximum price established by the Office of Price Administration, and if the manufacturer shall have no cause to doubt the accuracy of the affirmation, and if, as of the time of his determination of the price of a commodity, the maximum price of which is established by this section, the manufacturer shall have no reason to believe that the selling price of the material is in excess of the maximum price established by the Office of Price Administration, the price as affirmed by the seller shall be deemed to be the maximum price established by the Office of Price Administration for that material.

(2) *Computation of gross margin.* The "gross margin", which means the difference, expressed in dollars and cents, between the net selling price and the total direct costs, shall include only

items (such as factory overhead, depreciation, commercial expense, transportation and warehouse expense, and margin of profit) that would have been used by the manufacturer in calculating the selling price for the commodity in question to a purchaser of the same class during March, 1942. The bases and rates used in the calculation of the gross margin shall be selected from the following bases and rates as provided in subdivision (iv).

(i) The bases and predetermined rates the manufacturer used during March, 1942, for the calculation of indirect costs and profit margin for a commodity having the same use as the commodity being priced. (For example, two raincoats have the same use even if made of different materials and in different styles.)

(ii) The bases and predetermined rates the manufacturer used during March, 1942, for the calculation of indirect costs and profit margin for a commodity manufactured by the same processes as the commodity being priced. (For example, two fabrics which are coated with rubber by passing through a spreader are manufactured by the same process.)

(iii) The bases and predetermined rates the manufacturer used during March, 1942, for the calculation of indirect costs and profit margin for a commodity, the total direct costs of which are the nearest to the direct costs of the commodity being priced.

(iv) In order to determine the commodity to be used in establishing the bases and rates which the manufacturer must use in calculating the gross margin of the commodity being priced, the manufacturer shall apply subdivisions (i) through (iii) of this subparagraph as follows:

(a) If only one commodity meets the requirements of subdivision (i), that commodity shall be used.

(b) If two or more commodities meet the requirements of subdivision (i), the manufacturer shall test those commodities by subdivision (ii). If only one of those commodities meets the requirements of subdivision (ii), that commodity shall be used.

(c) If more than one of those commodities meet the requirements of subdivision (ii), the manufacturer shall use that one of those commodities which is shown by the application of subdivision (iii) to have total direct costs nearest to the direct costs of the commodity being priced.

(d) If two or more commodities meet the requirements of subdivision (i) but none of those commodities meets the requirements of subdivision (ii), the manufacturer shall use that one of those commodities which is shown by the application of subdivision (iii) to have total direct costs nearest to the direct costs of the commodity being priced.

(e) If no commodity meets the requirements of subdivision (i) and only one commodity meets the requirements of subdivision (ii), that commodity shall be used.

(f) If no commodity meets the requirements of subdivision (i) and two or more commodities meet the requirements of subdivision (ii), the manufacturer shall use that one of those commodities which is shown by the application of subdivision (iii) to have total direct costs nearest to the direct costs of the commodity being priced.

(g) If no commodity meets the requirements of subdivision (i) or (ii), the manufacturer shall use that commodity which is shown by the application of subdivision (iii) to have total direct costs nearest to the direct costs of the commodity being priced.

(v) When used in this subparagraph (2) "predetermined rates" means gross margin rates in effect on March 1, 1942, at the estimated volume of production for the month of March, 1942, and "indirect costs" means all costs other than direct costs.

(b) *Maximum price for the second or subsequent sale of a rubber commodity, which is not a standard list item.* If a manufacturer makes a second sale of a rubber commodity, the maximum price of which has been determined pursuant to the provisions of paragraph (a) of this section, the maximum price for the second sale of such commodity shall be determined in accordance with the provisions of paragraph (a) of this section, except that actual labor hours and actual quantity of materials used in the production of the first order of the commodity, adjusted for changes in technique and anticipated volume, shall be used in such determination. The maximum price determined for a second sale of a commodity under this paragraph shall be the maximum price for subsequent sales of that commodity.

(c) *Maximum price for standard list items.* If a rubber commodity, the maximum price of which has already been established by paragraph (a) of this section, is offered for sale as a standard list item, the maximum price shall be recomputed according to the provisions of paragraph (a) of this section, except that actual labor hours and actual quantity of materials used in the production of the first order of the commodity, adjusted for changes in technique and anticipated volume, shall be substituted for estimated labor hours and estimated quantity of materials used. This adjustment in the maximum price of the commodity shall be made within sixty days after the manufacturer begins the production of such commodity as a standard list item.

(d) *Reports of maximum prices.* Within five days after a purchaser first agrees to buy a commodity for which a maximum price must be determined under paragraph (a), (b), or (c) of this section, or at any time prior thereto, the manufacturer shall report to the Office of Price Administration, Washington, D. C., the maximum price as computed by him. The report shall contain a full description of the commodity being priced and of any innovation in manufacturing processes involved and a detailed explanation of the computation of the direct costs and the maximum



price. It shall also contain a description of the commodity which determines the bases and rates used in the calculation of the gross margin of the commodity being priced and the maximum price, direct costs and an explanation of the reasons for the selection of that commodity. The manufacturer may not accept payment for the commodity until fifteen days have elapsed after the mailing of the report. Within this fifteen day period the price so reported shall be subject to adjustment by the Office of Price Administration. Subsequent to this fifteen day period, such price shall be subject to adjustment (not to apply retroactively) at any time upon the written order of the Office of Price Administration.

§ 1315.1558 *Fourth pricing method; Specific authorization by the Office of Price Administration*—(a) *Maximum prices.* The maximum price for any commodity which cannot be priced under §§ 1315.1555, 1315.1556 or 1315.1557 shall be the price, in line with the level of maximum prices established by this Maximum Price Regulation No. 220, specifically authorized by the Office of Price Administration.

(b) *Reports of maximum prices.* Prior to first offering the commodity for sale, the manufacturer shall submit to the Office of Price Administration, Washington, D. C., a report applying for specific authorization of a maximum price. The report shall contain a description in detail of the commodity (including the manufacturing process), a statement of the facts which make it necessary to price the commodity under this section, and the proposed maximum price with a detailed explanation of its computation. Upon receipt of the authorization, the manufacturer may offer the commodity for sale in accordance with the terms of the authorization.

§ 1315.1559 *Price differentials.* No manufacturer shall change the allowances, discounts, or other price differentials he had in effect during March, 1942, for those types of rubber commodities which he delivered or offered for delivery during that month, unless such change results in a lower price. Every manufacturer, in computing the maximum prices for sales to different classes of purchasers, of commodities the maximum prices of which are determined under §§ 1315.1555, 1315.1556 or 1315.1557, shall adjust the amount established as the maximum price for one general class of purchaser to reflect all allowances, discounts, and other price differentials which he had in effect during March, 1942, for the commodity used as a basis for determining the maximum price of the commodity being priced.

§ 1315.1560 *Evasion.* The price limitations set forth in this Maximum Price Regulation No. 220 shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of, or relating to, a rubber commodity, alone or in conjunction with

any other commodity or by way of commission, service, transportation, or other charge, or discount, premium or other privilege, or by tying-agreement or other trade understanding, or otherwise.

§ 1315.1561 *Application for adjustment, and petition for amendment*—(a) *Application for adjustment.* (1) The Office of Price Administration, or any duly authorized officer thereof, may by order adjust the maximum price established under this Maximum Price Regulation No. 220 in any case in which the seller shows:

(i) That such maximum price causes him substantial hardship and is abnormally low in relation to the maximum prices established for competitive sellers of the same or similar commodities; and

(ii) That establishing for him a maximum price bearing a normal relation to the maximum prices established for competitive sellers of the same or similar commodities, will not cause or threaten to cause an increase in the level of retail prices.

Applications for adjustment under this subparagraph (1) shall be filed in accordance with Procedural Regulation No. 1.

(2) Any person seeking relief, for which no provision is made in the foregoing subparagraph (1) of this section, from a maximum price established under this Maximum Price Regulation No. 220 may present the special circumstances of his case in an application for an order of adjustment. Such an application shall be filed in accordance with Procedural Regulation No. 1 and shall set forth the facts relating to the hardship to which such maximum price subjects the applicant together with a statement of reasons why he believes that the granting of relief in his case and in all like cases will not defeat or impair the policy of the Emergency Price Control Act of 1942 and of this Maximum Price Regulation No. 220 to eliminate the danger of inflation.

(b) *Petitions for amendment.* Any person seeking a modification of any provisions of this Maximum Price Regulation No. 220 (other than an adjustment provided by paragraph (a)) may file a petition for amendment in accordance with the provisions of Procedural Regulation No. 1 issued by the Office of Price Administration.

§ 1315.1562 *Enforcement.* (a) Persons violating any provisions of this Maximum Price Regulation No. 220 are subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided for by the Emergency Price Control Act of 1942.

(b) Persons who have evidence of any violation of this Maximum Price Regulation No. 220 or any price schedule, regulation or order issued by the Office of Price Administration, or of any acts or practices which constitute such a violation, are urged to communicate with the nearest field, district, state or regional office of the Office of Price Administration or its principal office in Washington, D. C.

§ 1315.1563 *Effect of other price regulations.* (a) This Maximum Price Regulation No. 220 shall not apply to any sale or delivery of rubber commodities for which a maximum price is in effect at the time of such sale or delivery under the provisions of any other price regulation issued, or which may be issued, by the Office of Price Administration. The General Maximum Price Regulation shall not apply to sales or deliveries of rubber commodities (as defined in paragraph (a) (4) of § 1315.1564), except as provided in § 1315.1551 and paragraph (d) of § 1315.1552.

(b) Specifically, but not exclusively, this Maximum Price Regulation No. 220 is not applicable to sales or deliveries of commodities, the maximum prices of which are established by Revised Price Schedule No. 56<sup>6</sup>—Reclaimed Rubber; Revised Price Schedule No. 63<sup>7</sup>—Retail Prices for New Rubber Tires and Tubes; Revised Price Schedule No. 66<sup>8</sup>—Retreaded and Recapped Rubber Tires, the Retreading and Recapping of Rubber Tires, and Basic Tire Carcasses; Revised Price Schedule No. 87, as Amended<sup>9</sup>—Scrap Rubber; Maximum Price Regulation No. 107<sup>10</sup>—Used Tires and Tubes; Maximum Price Regulation No. 119<sup>11</sup>—Original Equipment Tires and Tubes; Maximum Price Regulation No. 131<sup>12</sup>—Camelback; Maximum Price Regulation No. 132<sup>13</sup>—Waterproof Rubber Footwear; Maximum Price Regulation No. 143<sup>14</sup>—Wholesale Prices for New Rubber Tires and Tubes; Maximum Price Regulation No. 149<sup>15</sup>—Mechanical Rubber Goods; Maximum Price Regulation No. 157<sup>16</sup>—Sales and Fabrication of Textiles, Apparel and Related Items for Military Purposes; Maximum Price Regulation No. 188<sup>17</sup>—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel; and Maximum Price Regulation No. 200<sup>18</sup>—Rubber Heels, Attached Rubber Heels and The Attaching of Rubber Heels.

§ 1315.1564. *Definitions.* (a) When used in this Maximum Price Regulation No. 220, the term:

(1) "Highest price charged during March, 1942", means:

(i) The highest price which the seller charged to a purchaser of the same class for delivery of the commodity during March, 1942,

(ii) If the seller made no such delivery during March, 1942, such seller's highest

<sup>6</sup> 6 F.R. 6455, 7 F.R. 657, 1313, 1836, 2000, 2132.

<sup>7</sup> 7 F.R. 1323, 1836, 2132, 3036, 3719, 5709, 6048, 6215.

<sup>8</sup> 7 F.R. 1333, 1836, 1837, 2132.

<sup>9</sup> 7 F.R. 4781, 5177, 6002.

<sup>10</sup> 7 F.R. 1838, 1981, 2394, 3891, 5177.

<sup>11</sup> 7 F.R. 3509.

<sup>12</sup> 7 F.R. 3160.

<sup>13</sup> 7 F.R. 3161, 4294, 6743.

<sup>14</sup> 7 F.R. 3664, 5712.

<sup>15</sup> 7 F.R. 3889.

<sup>16</sup> 7 F.R. 4273, 4541, 4618, 5180, 5716, 6004, 6424.

<sup>17</sup> 7 F.R. 5872.

<sup>18</sup> 7 F.R. 6259, 6936.

offering price to a purchaser of the same class for delivery during that month,

(iii) If the seller made no such delivery and had no such offering price to a purchaser of the same class, the highest price charged by the seller during March, 1942, to a purchaser of a different class, adjusted to reflect the seller's customary differential between the two classes of purchasers.

(2) "Manufacturer" means any person engaged in the production of a rubber commodity.

(3) "Purchaser of the same class" and "class of purchaser" refer to the practice adopted by the seller in setting different prices for commodities for sales to different purchasers or kinds of purchasers (for example, manufacturer, wholesaler, jobber, retailer, government agency, public institution, individual consumer) or for purchasers located in different areas or for different quantities or grades or under different conditions of sale.

(4) "Rubber commodity" means reclaimed rubber and any commodity made in whole or in part of rubber (except airplane tires and tubes, heels, soles and drug sundries) the maximum price for which would be established by the General Maximum Price Regulation in the absence of this Maximum Price Regulation No. 220.

(5) "Rubber" means all forms and types of rubber, including synthetic, reclaimed and balata rubber.

(6) "Standard list item" means an article, the maximum price of which is listed in a schedule or price list of the manufacturer or which is offered for sale by the manufacturer at the same price to any member at a particular class of purchasers.

(7) "Synthetic rubber" means rubber of the butadiene-styrene copolymer, perbunan, neoprene, and butyl types and any other rubber-like substance which is capable of being vulcanized.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used herein.

§ 1315.1565 *Geographical applicability.* The provisions of this Maximum Price Regulation No. 220 shall be applicable to the forty-eight states and the District of Columbia, but not to the territories and possessions of the United States.

§ 1315.1566 *Effective date.* This Maximum Price Regulation No. 220 (§§ 1315.1551 to 1315.1566, inclusive) shall become effective September 19, 1942, for all sales and deliveries except sales and deliveries to the United States or any agency thereof, or to the Government of any country whose defense the President deems vital to the defense of the United States under the terms of the Act of March 11, 1941, entitled "An Act to promote the defense of the United States," or any agency of any such government.

For such sales and deliveries it shall become effective October 10, 1942.

Issued this 14th day of September 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-9097; Filed, September 14, 1942;  
4:28 p. m.]

#### PART 1381—SOFTWOOD LUMBER

[Amendment 6 to Maximum Price Regulation  
26<sup>1</sup>]

##### DOUGLAS FIR AND OTHER WEST COAST LUMBER

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.\*

Section 1381.62 (g) is amended to read as set forth below:

§ 1381.62 *Appendix A: Maximum prices for Douglas fir and other West Coast lumber where shipment originates at a mill.* \* \* \*

(g) (1) The maximum price for grades and classes of lumber recognized by the West Coast Lumbermen's Association Standard Grading and Dressing rules dated April 1, 1942, and by the Export Grading Rules (commonly called N List) issued by the Pacific Lumber Inspection Bureau dated 1929, for which no maximum price is established in paragraphs (a) and (b) of this section, shall be a price computed in the following manner:

(i) For the select grades (D and better grades) the seller shall determine the difference in the price which he received for the item to be priced and the price which he received for 1 x 4 V. G. B and better R/L dry flooring during the first month prior to October 1, 1941, in which sales of both items were made, and after determining this difference, he shall add or deduct, as the case may be, this difference to or from the maximum price of the 1 x 4 V. G. B and better R/L dry flooring established in paragraph (a) of this section.

(ii) For grades other than select grades the seller shall determine the difference in the price which he received for the item to be priced and the price which he received for 2 x 4—16 No. 1 Dimension, S4S, dry, during the first month prior to October 1, 1941, in which sales of both items were made and shall add or deduct, as the case may be, this difference to or from the maximum price of 2 x 4—16 No. 1 Dimension, S4S, dry established in paragraph (a) of this section.

The tentative maximum price obtained by application of the appropriate method shall be submitted to the Lumber Branch of the Office of Price Administration in Washington, D. C., within 10

\* Copies may be obtained from the Office of Price Administration.

<sup>1</sup> 7 F. R. 4573, 4701, 5180, 5300, 6103, 6383, 6424.

days of the use of such price together with certified copies of the invoices of the sales which were used to determine the maximum price. If within 30 days after receipt of the request for approval, the Office of Price Administration does not adjust or require further justification of such maximum price, the price shall be considered approved and shall thereafter be the maximum price for that seller. Pending such approval, the seller may deliver the lumber and receive payment therefor, subject to the condition that a refund will be made if the price is in excess of that finally approved by the Office of Price Administration.

(2) No addition may be made for workings, specifications, services, or extras not expressly provided for in § 1381.62: *Provided*, That the seller may apply to the Lumber Branch of the Office of Price Administration in Washington, D. C., for approval of additions for workings, specifications, services or other extras not provided for. In such application the seller shall describe in detail the workings, specifications, services or other extras not provided for together with a statement showing how the addition requested was determined and that the proposed addition was regularly made immediately prior to October 1, 1941, for the particular or similar working, specification, service or extra together with a certified copy of order or invoice of a representative sale on which such an addition or similar addition was made. Pending approval of such addition, the seller may quote and deliver at a price which is agreed by the parties to be subject to adjustment to the price approved by the Office of Price Administration, but the seller may not accept payment and the purchaser may not make payment until approval of such addition in writing has been received.

§ 1381.61a *Effective dates of amendments.* \* \* \*

(f) Amendment No. 6 (§ 1381.62 (g)) to Maximum Price Regulation No. 26 shall become effective September 19, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 14th day of September 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-2035; Filed, September 14, 1942;  
4:28 p. m.]

#### PART 1381—SOFTWOOD LUMBER

##### NORTHEASTERN SOFTWOOD LUMBER

[Maximum Price Regulation 219]

In the judgment of the Price Administrator it is necessary and proper to establish specific maximum prices for the sale of Northeastern softwood lumber. The Price Administrator has ascertained and given due consideration to the prices of

these items and species prevailing between October 1 and October 15, 1941. So far as practicable, the Price Administrator has advised and consulted with representative members of the industry which will be affected by this regulation.

In the judgment of the Price Administrator, the maximum prices established by this regulation are and will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942. A statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith and has been filed with the Division of the Federal Register.\*

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1,<sup>1</sup> issued by the Office of Price Administration, Maximum Price Regulation No. 219 is hereby issued.

**AUTHORITY:** §§ 1381.301 to 1381.317, inclusive, issued under Pub. Law 421, 77th Cong.

§ 1381.301 *Maximum prices for Northeastern softwood lumber.* (a) On and after September 19, 1942, regardless of any contract or other obligation, no person shall sell or deliver any Northeastern softwood lumber, where shipment originates at the mill rather than at a distribution yard, and no person shall buy or receive in the course of trade or business any Northeastern softwood lumber so shipped at prices higher than the maximum prices set forth in Appendices A, B, and C hereof, incorporated herein as §§ 1381.315, 1381.316, and 1381.317, respectively; and no person subject to this Maximum Price Regulation No. 219 shall agree, offer, solicit, or attempt to do any of the foregoing.

(b) The maximum prices set forth in §§ 1381.315 and 1381.316 shall not be applicable to "direct-mill retail sales" as defined in subparagraph (9) of paragraph (a) of § 1381.308.

§ 1381.302 *Less than maximum prices.* Lower prices than those provided in this Maximum Price Regulation No. 219 may be charged, demanded, paid or offered.

§ 1381.303 *Conditional agreements.* No seller subject to this Maximum Price Regulation No. 219 shall enter into an agreement permitting the adjustment of the price of Northeastern softwood lumber to prices which may be higher than the maximum prices in effect upon the date of the agreement: *Provided*, That if a petition for amendment has been duly filed, and such petition requires extensive consideration the Administrator may grant an exception from the provisions of this section permitting the making of contracts adjustable upon the granting of the petition for amendment. Requests for such an exception may be included in the aforesaid petition for amendment.

\*Copies may be obtained from the Office of Price Administration.

<sup>1</sup> 7 F.R. 971, 3663, 6967.

§ 1381.304 *Evasion.* (a) The price limitations set forth in this Maximum Price Regulation No. 219 shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of or relating to Northeastern softwood lumber, alone or in conjunction with any other commodity or by way of commission, service, transportation, or other charge, or discount, premium or other privilege, or by tying-agreement or other trade understanding, or otherwise.

(b) Specifically, but not exclusively, the following practices are prohibited:

(1) Unnecessarily routing lumber through a distribution yard, whether wholesale or retail;

(2) Making charges for delivery which exceed the actual cost to the seller of such delivery except as otherwise provided in § 1381.309;

(3) Falsely or wrongly grading or invoicing lumber;

(4) Grading as a special grade lumber which can be graded as a standard grade;

(5) Selling as specified lengths a shipment of lumber which is substantially equivalent to standard or random lengths, or reselling as specified lengths a shipment purchased by the seller as standard or random lengths;

(6) Refusing to sell except on a delivered or loaded basis;

(7) Quoting a delivered price on the basis of estimated weights which exceed the weights for the appropriate species set forth in §§ 1381.315 and 1381.316;

(8) Unreasonably refusing to ship an item of lumber except in a small quantity which entitles the seller to a premium.

(c) The maximum prices established in this Maximum Price Regulation No. 219 shall not be increased by any charges for the extension of credit or by any decrease in the time customarily allowed for payment, and shall be decreased for prompt payment to the same extent that the price would have been decreased on October 1, 1941.

§ 1381.305 *Records and reports.* (a) On and after September 19, 1942, every person who, during any calendar month, offers or agrees to sell, sells, or delivers, or offers or agrees to buy, buys or receives a total of 34,000 pounds or more of Northeastern softwood lumber in the course of trade or business, shall keep for inspection by the Office of Price Administration for a period of not less than two years, a complete and accurate record of every offer, agreement of sale, purchase, sale or delivery of Northeastern softwood lumber made by him, showing the date thereof, the name and address of the buyer and the seller, the price paid or received, and the quantity, size, grade, specifications and condition of seasoning of the lumber in each transaction.

(b) Such persons shall keep such other records in addition to or in place of the records required in paragraph (a)

of this section and shall submit such reports to the Office of Price Administration as that Office may from time to time require or permit.

§ 1381.306 *Enforcement.* (a) Persons violating any provision of this Maximum Price Regulation No. 219 are subject to the criminal penalties, civil enforcement actions, license suspension proceedings, and suits for treble damages provided for by the Emergency Price Control Act of 1942.

(b) Persons who have evidence of any violation of this Maximum Price Regulation No. 219 or any price schedule, regulation, or order issued by the Office of Price Administration or of any acts or practices which constitute such a violation are urged to communicate with the nearest District, State, or Regional office of the Office of Price Administration or its principal office in Washington, D. C.

(c) No war procurement agency, nor any contracting or paying finance officer thereof, shall be subject to any liability, civil or criminal, imposed by this Maximum Price Regulation No. 219 or the Emergency Price Control Act of 1942.

§ 1381.307 *Petition for adjustment or amendment.* (a) Government contracts or subcontracts. Any person who has entered into or proposes to enter into a contract with the United States or any agency thereof, or with the Government of any country whose defense the President deems vital to the defense of the United States under the terms of the Act of March 11, 1941, entitled "An Act to promote the defense of the United States", or any agency of any such Government, or a subcontract under any such contract, who believes that the maximum price impeder or threatens to impede production of an item or items of Northeastern softwood lumber essential to the war program and which is or will be the subject of such contract or subcontract, may file an application for adjustment of the maximum prices established by this Maximum Price Regulation No. 219 in accordance with Procedural Regulation No. 6,<sup>2</sup> issued by the Office of Price Administration.

(b) Persons seeking any modification of this Maximum Price Regulation No. 219, or any adjustment or exception not provided for therein may file petitions for amendment in accordance with the provisions of Procedural Regulation No. 1, issued by the Office of Price Administration.

§ 1381.308 *Definitions.* (a) This Maximum Price Regulation No. 219 and the terms appearing therein, unless the context otherwise requires, shall be construed as follows:

(1) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons or legal successor or representative of any of the foregoing and includes the United

<sup>2</sup> 7 F.R. 5087.

-States, or any government, or any of its political subdivisions, or any agency of any of the foregoing.

(2) "Northeastern softwood lumber", means the following softwood lumber produced in the States of Maine, New Hampshire, Vermont, Connecticut, Rhode Island and Massachusetts: Northeastern white pine (*Pinus Strobus*), Northeastern Norway pine (*Pinus Resinosa*), Northeastern hemlock (*Tsuga Canadensis*), Northeastern red spruce (*Picea Rubens*), Northeastern black spruce (*Picea Mariana*) and Northeastern white spruce (*Picea Canadensis*).

(3) "Round edge lumber" means Northeastern white pine lumber which is sawn or processed by sawing two sides without sawing or otherwise processing edges.

(4) "Square edge lumber" means Northeastern white pine lumber (*Pinus Strobus*) which is sawn or processed square on four sides.

(5) "Mill" means any establishment:

(i) Which processes into the items of lumber covered by this Maximum Price Regulation No. 219 by sawing or planing, or ships to milling-in-transit operations for such processing by sawing, planing, or kiln drying, at least 25 percent of the volume of Northeastern softwood lumber or logs purchased or received by it or

(ii) Which resembles the following described establishment more nearly than that described under the definition of "distribution yard" in subparagraph (6) (ii) of this section: An establishment which concentrates and prepares lumber for commercial shipment, which keeps in stock primarily Northeastern softwood lumber, which has its lumber brought in chiefly in rough green form by truck from small local sawmills and sells chiefly for rail shipment, and which has been located at its particular site in order to be near the lumber producing area.

(6) "Distribution yard" means an establishment:

(i) Which processes into the items of lumber covered by this Maximum Price Regulation No. 219 by sawing or planing, or ships to milling-in-transit operations for such processing by sawing, planing, or kiln drying, less than 25 percent of the volume of Northeastern softwood lumber purchased or received by it; and

(ii) Which resembles the following described establishment more nearly than that described under the definition of "mill" in subparagraph (5) (ii) of this section: A wholesale or retail lumber yard which purchases or receives lumber from a mill or another distribution yard for purposes of unloading, sorting, and resale or redistribution, which regularly maintains a miscellaneous stock of lumber from different regions, which obtains its lumber primarily by rail shipment and sells primarily for truck shipment, which is equipped to make quick deliveries of many different items of lumber, and which has been located at its particular site primarily in order to be near a lumber consuming area.

(7) A shipment is deemed to "originate at a mill" when the lumber reaches the purchaser without having been stored as an integral part of the yard stock of a distribution yard as defined in subparagraph (6) of this section.

(8) A shipment is deemed to "originate at a distribution yard", whether wholesale or retail, when, and only when, the shipment is made out of a stock of lumber which was an integral part of the seller's distribution yard stock at the time the sale was made.

(9) "Direct-mill retail sale", for the purpose of determining whether the sale is exempt from the provisions of §§ 1381.315 and 1381.316 means a sale which satisfies all of the following tests:

(i) It must be a sale of not more than 2,000 feet of lumber;

(ii) It must be a sale in which the purchaser requests delivery to a point not more than 20 miles from the mill at which shipment originates;

(iii) It must be a sale of lumber to a contractor or consumer for use in construction, remodeling, repair, maintenance, fabrication, or remanufacture, and not for resale in substantially the same form.

(10) Unless otherwise specified, grade terms used herein have the meanings set forth in "Standard Grading Rules for Northern White Pine and Norway Pine" (Northeastern Type), published by the Northeastern Lumber Manufacturers Association, Inc., effective January 1, 1937.

(11) "War procurement agency" includes the War Department, the Department of the Navy, the United States Maritime Commission, the War Shipping Administration, the Office of Scientific Research and Development and the Lend-Lease Section of the Procurement Division of the Treasury Department, or any agency of the foregoing.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to terms used but not defined herein.

#### § 1381.309 Transportation charges.

(a) A delivered price in excess of the maximum f. o. b. mill prices set forth in the appropriate Appendix to this Maximum Price Regulation No. 219 may be charged, consisting of such maximum prices plus the transportation charges permitted by this section: *Provided*, That (1) the invoice shows the point of origin of the shipment, the destination, and the applicable railroad or truck rate, or, in place of such rate, where shipment is by motor vehicle owned or controlled by the seller, the amount added for transportation; and (2) the invoice is marked "direct mill shipment".

(b) Where shipment is exclusively by motor vehicle owned or controlled by the seller, the charge may be no greater than the actual cost to the seller of delivery by motor vehicle; and in no event shall the charge exceed the railroad charge at the carload rate for the most nearly comparable haul. If the

actual cost is less than such railroad charge, only the actual cost may be added to the maximum price.

(c) Where shipment is by common or contract carrier, the amount added for transportation may be no greater than the actual amount paid to the carrier, except as provided in paragraph (d) of this section: *Provided*, That where shipment is by both rail and truck (either owned or controlled by the seller or a common or contract carrier), the following shall govern:

(1) Where shipment is by rail followed by truck delivery, the amount added for transportation may include, in addition to the amount added for rail transportation, the actual cost of truck delivery, provided such cost is shown separately on the invoice.

(2) Where a truck haul precedes the rail shipment, as where a mill located away from a railhead hauls lumber by truck to the railhead, no addition may be made for such truck haul (except as otherwise provided in § 1381.315 for loading on trucks): *Provided, however*, That the seller may apply to the Lumber Branch of the Office of Price Administration for an exception if the seller can demonstrate that a separate and identifiable charge for the truck haul was customarily made by the seller during the year 1941.

(d) In computing transportation costs, the following practices are not to be deemed in violation of this Maximum Price Regulation No. 219:

(1) The computation of transportation costs on the basis of the applicable freight rate and the appropriate system of estimated weights set forth in the appendices to this Maximum Price Regulation No. 219: *Provided*, That in applying the estimated weights, the seller must use estimated weights which are appropriate for lumber in the condition (including moisture content and extent of processing) in which the lumber subject to this Maximum Price Regulation No. 219 is shipped; and

(2) The charging of a sum equivalent to the one-quarter of a dollar nearest to the transportation costs per 1,000 feet of lumber computed in accordance with subparagraph (1) of paragraph (d).

§ 1381.310 Grades, workings, specifications, services or extras for which no specific price is established. (a) No addition may be made for grades, workings, specifications, services, or extras not expressly provided for herein: *Provided*, That the seller may apply to the Lumber Branch of the Office of Price Administration in Washington, D. C. for approval of additions for grades, workings, specifications, services or extras not provided for. In such application the seller shall describe in detail the grades, workings, specifications, services or extras not provided for together with a statement showing how the addition requested was determined and whether or not the proposed addition was regularly made immediately prior to October 1, 1941 for the particular similar grade, working, speci-

fication, service or extra. Pending approval of such charges, the seller may quote and deliver at a price to be approved by the Office of Price Administration, but the seller may not accept payment and the purchaser may not make payment until such approval has been granted.

(b) Where Northeastern softwood lumber is sold on a combination grade for which no specific maximum price has been established in this Maximum Price Regulation No. 219, the maximum price shall be the maximum price of the lowest grade in this combination: *Provided, however*, That the seller may grade and ship the lumber on the standard grades included in such combination grades if he invoices the footage in each of the standard grades at a price not to exceed the maximum price established in this Maximum Price Regulation No. 219 for the respective standard grades.

§ 1381.311 *Applicability of General Maximum Price Regulation.* The provisions of the General Maximum Price Regulation<sup>3</sup> shall not apply to sales and deliveries of Northeastern softwood lumber subject to this Maximum Price Regulation No. 219 except as provided in § 1381.316.

§ 1381.312 *Licensing.* The provisions of Supplementary Order No. 18 (§ 1305.22) licensing persons selling lumber, lumber products or building materials, are applicable to every person (except mills, manufacturers or producers) making sales of Redwood lumber or millwork for which maximum prices are established by this Maximum Price Regulation No. 219.

§ 1381.313 *Export sales.* (a) The maximum price at which a person may export Northeastern softwood lumber shall be determined in accordance with the provisions of the Revised Maximum Export Price Regulation,<sup>4</sup> issued by the Office of Price Administration.

(b) On F. A. S. sales to Lend-Lease Administration, British Purchasing Commission, British Air Commission, and other government agencies or their contractors, an addition of \$3.50 per M feet may be made for marking, bundling, assembling, switching, unloading, tallying, dock insurance and other services necessary to the proper dispatch of off-shore cargo of lumber.

§ 1381.314 *Effective date of Maximum Price Regulation No. 219.* Maximum Price Regulation No. 219 (§§ 1381.301 to 1381.317, inclusive) shall become effective September 19, 1942, as to sales and deliveries of Northeastern white pine lumber, but shall not apply if prior to September 19, 1942, such lumber was received by a carrier, other than a carrier owned

or controlled by the seller, for shipment to the purchaser.

§ 1381.315 *Appendix A: Maximum prices for Northeastern white pine lumber processed square edge where shipment originates at a mill.* (a) The maximum prices for Northeastern white pine lumber, processed square edge, f. o. b. mill, where shipment originates at the mill, shall be as follows per 1,000 feet board measure:

TABLE 1—4/4" ROUGH, DRY, RANDOM LENGTHS

	C Select and better	D Select and better	No. 1 and No. 2 Common	No. 3 Common	No. 4 Common	No. 5 Common
1" x 3".....	\$77.00	\$67.00	\$50.00	\$38.50	\$33.00	\$20.00
1" x 4".....	76.50	66.50	47.00	38.00	31.00	21.00
1" x 5".....	77.50	67.50	47.00	37.00	32.00	21.00
1" x 6".....	79.00	69.00	40.00	40.00	36.00	28.50
1" x 7".....	79.00	69.00	50.00	40.00	36.00	28.50
1" x 8".....	82.00	72.00	53.00	40.00	36.00	29.50
1" x 9".....	82.00	72.00	53.00	40.00	36.00	29.50
1" x 10".....	87.00	77.00	53.00	42.50	36.00	29.50
1" x 11".....	87.00	77.00	53.00	42.50	36.00	29.50
1" x 12".....	89.00	89.00	53.00	48.00	38.00	30.50
1" x 13" and wider.....	102.00	92.00	54.00	49.00	40.00	33.00
1" x 4" and wider.....	80.00	70.00	51.00	39.75	35.75	28.50
1" x 5" and wider.....	81.50	71.50	52.50	40.00	36.00	29.00
1" x 6" and wider.....	82.00	72.00	53.00	40.00	36.00	29.50

TABLE 2—ADDITIONS FOR THICKER THAN 4/4"

	C Select and better	D Select and better	No. 1 and No. 2 Common	No. 3 Common	No. 4 Common	No. 5 Common
5/4" to 8/4".....	10.00	10.00	7.00	3.00	2.00	2.00
9/4" and thicker.....	15.00	15.00	8.00	3.00	3.00	3.00

## LOG RUN

4/4" and thicker..... \$37.00

## RULES

(1) Random lengths shall include all odd lengths from 6' to 16' (7', 9', 11', 13', 15').

(2) 1" x 4" and wider must average 7" to 8" in width.

(3) 1" x 5" and wider must average 8" to 9" in width.

(4) 1" x 6" and wider must average at least 9" in width.

## DIFFERENTIALS

- (1) For Green..... Deduct \$2.00 per 1,000 board feet.
- (2) For specified lengths..... Add \$2.00 per 1,000 board feet.
- (3) For bundling..... Add \$1.25 per 1,000 board feet.

(b) The following additions for milling Northeastern white pine lumber, processed square edge, where shipment originates at the mill, may be made:

TABLE 3—MILLING CHARGES, PER ITEM

Items	Per 1,000 board feet		Net charge per item, under 1,000'
	Lots 5,000' or over	Lots 1,000' to 4,999'	
S1S.....	\$3.00	\$3.25	\$3.25
S2S.....	3.00	3.25	3.25
S4S.....	4.00	4.25	4.25
S2S and match.....	4.00	4.25	4.25
S1S and clip to exact length.....	3.25	3.50	3.50
S2S and clip to exact length.....	3.25	3.50	3.50
S4S and clip to exact length.....	4.25	4.50	4.50
Clipping only to exact length.....	3.00	3.25	3.25

ment originates at a mill. (a) The maximum prices for Northeastern white pine lumber, processed square edge, f. o. b. mill, where shipment originates at the mill, shall be as follows per 1,000 feet board measure:

TABLE 3—MILLING CHARGES, PER ITEM—Continued

Items	Per 1,000 board feet		Net charge per item, under 1,000'
	Lots 5,000' or over	Lots 1,000' to 4,999'	
Bead 1 side add to S1S.....	\$1.00	\$1.25	\$1.25
Bead 2 sides add to S4S.....	1.00	1.75	1.75
S2S and resaw 1 cut.....	5.00	5.75	5.75
S4S and resaw 1 cut.....	6.00	6.75	6.75
S2S and resaw 2 cuts.....	6.00	6.75	6.75
S4S and resaw 2 cuts.....	7.00	7.75	7.75
Resaw rough—1 cut.....	4.00	4.25	4.25
Resaw rough—more than 1 cut, add per cut.....	2.25	2.50	2.50
Resaw 1 cut and S2S each piece.....	6.00	6.75	6.75
Resaw 1 cut and S4S each piece.....	8.25	8.50	8.50
Rip per cut.....	2.75	3.00	3.00
S4S and bevel resaw.....	6.00	6.75	6.75
Siding to pattern.....	8.00	8.75	8.75
Other patterns 4" or wider.....	8.00	8.75	8.75
Cross cutting—per cut.....	1.00	1.25	1.25
For dressing thicker than standard, for each 1/2" add to above charges.....	.70	.75	.75

(c) The following estimated weights for dry lumber (even though higher than actual weights) may be used in computing delivered prices under § 1381.309 (d) (1):

TABLE 4—ESTIMATED WEIGHTS PER THOUSAND FEET—DRY

	Pounds
Rough.....	2500
S1S, S2S.....	2000
S4S.....	1800

(1) Green lumber may be shipped only upon actual weights.

(2) The following definitions apply to this paragraph:

<sup>3</sup> 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5192, 5276, 5365, 5445, 5484, 5565, 5775, 5783, 5784, 6007, 6058, 6081, 6216, 6616, 6794, 6939, 7093.

<sup>4</sup> 7 F.R. 5059.



(i) "Dry" lumber is lumber which contains a moisture content not greater than 19% by weight.

(ii) "Green" lumber is lumber which contains a moisture content in excess of 19% by weight.

§ 1381.316 Appendix B: Maximum prices for Northeastern white pine lumber processed round edge where shipment originates at a mill. (a) The maximum prices for Northeastern white pine lumber, processed round edge f. o. b. mill where shipment originates at the mill, shall be as follows per 1000 feet board measure:

TABLE 1

Dry	On sticks	Loaded on trucks	Loaded on rail-road cars
4/4" and thicker, log run.....	\$25.00	\$23.00	\$27.00
Box slides.....	15.00	16.00	17.00

(1) The use of estimated weight of 3250 lbs. per thousand feet for freight charges for dry lumber is permissible.

(2) Green lumber may be shipped only upon actual weights.

(3) The following definitions apply to this paragraph:

(i) "Dry" lumber is lumber which contains a moisture content not in excess of 19% by weight.

(ii) "Green" lumber is lumber which contains a moisture content in excess of 19% by weight.

§ 1381.317 Appendix C: Maximum prices for Northeastern Norway pine, Northeastern hemlock, Northeastern red spruce, Northeastern black spruce and Northeastern white spruce lumber. Until such time as this Maximum Price Regulation No. 219 shall be appropriately amended specifically to apply to Northeastern Norway pine, Northeastern hemlock, Northeastern red spruce, Northeastern black spruce and Northeastern white spruce lumber, all sales of such lumber shall continue to be subject to the provisions of the General Maximum Price Regulation.

Issued this 14th day of September 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-9098; Filed, September 14, 1942; 4:31 p. m.]

#### PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Amendment 11 to Rationing Order 3<sup>1</sup>]

##### SUGAR RATIONING REGULATIONS

A new § 1407.185 is added, as set forth below:

*Armed Forces of the United States; Certain Other Persons and Agencies*

§ 1407.185 *Products containing sugar delivered to post exchanges.* (a) The Army Exchange Service of the United States War Department is authorized to issue certificates to replace sugar in products delivered to its post exchanges

<sup>1</sup> 7 F. R. 2966, 3242, 3783, 4545, 4618, 5193, 5361, 6084, 6473, 6828, 6937.

on or after July 15, 1942. Each certificate shall be issued in the name of, and shall authorize delivery of sugar to, a registering unit which used sugar in the production, manufacture or processing of the products thus delivered or of materials used therein. The weight value of certificates thus issued to a registering unit shall not exceed the amount of sugar used by such registering unit in such products or materials. (b) The total weight value of certificates issued pursuant to this section in any period specified by the Office of Price Administration shall not exceed the amount allocated for such purpose by the Office of Price Administration for such period.

#### Effective Date

§ 1407.222 *Effective dates of amendments.*

(k) Amendment No. 11 (§ 1407.185) shall become effective September 19, 1942.

(Pub. Law 421, 77th Cong. W.P.B. Directive No. 1, and Supp. Directive No. 1E)

Issued this 14th day of September 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-9094; Filed, September 14, 1942; 4:28 p. m.]

#### PART 1499—COMMODITIES AND SERVICES

[Amendment 20 to Supplementary Regulation 14<sup>1</sup> to the General Maximum Price Regulation<sup>2</sup>]

##### SMITHFIELD AND VIRGINIA LONG-CURE HAMS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.\* A new subparagraph (20) is added to paragraph (a) of § 1499.73 as set forth below:

§ 1499.73 *Modification of maximum prices established by § 1499.2 of General Maximum Price Regulation for certain commodities, services and transactions.*

(a) The maximum prices established by § 1499.2 of the General Maximum Price Regulation for the commodities, services and transactions listed below are modified as hereinafter provided:

(20) *Smithfield and Virginia long-cure hams.* (i) Sales by retailers of Smithfield and Virginia long-cure hams. (a) Any seller at retail of Smithfield and Virginia long-cure hams, as defined herein, may add to the maximum prices established for him for such commodities by § 1499.2 of the General Maximum Price Regulation the increases in the maximum prices of his supplier authorized by § 1364.22 (f) of Maximum Price Regulation No. 148: *Provided*, That no

\*Copies may be obtained from the Office of Price Administration.

<sup>1</sup> 7 F. R. 5285, 5703, 5911, 6008, 6271, 6363, 6473, 6477, 6774, 6775, 6776, 6793, 6387, 6832, 6939, 6985, 7011, 7012.

<sup>2</sup> 7 F. R. 3153, 3330, 3600, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5192, 5270, 5365, 5445, 5484, 5565, 5775, 5783, 5784, 6007, 6038, 6031, 6216, 6615, 6794, 6939, 7093.

increase in retail prices shall exceed three cents per pound; And, *Provided further*, That no such increase shall result in a maximum price higher than sixty cents per pound.

(b) Whenever the increase taken by a supplier involves a fraction of a cent, the increase taken by the seller at retail may be adjusted to the next higher cent.

(ii) *Definitions.* (a) "Smithfield hams" shall mean hams which are cut from the carcasses of peanut-fed hogs, raised in the peanut belt of Virginia and North Carolina and which are cured, treated, marked and processed in the town of Smithfield, Virginia.

(b) "Virginia long-cure hams" shall mean hams which are cut from the carcasses of peanut-fed hogs, processed in the State of Virginia by the long-cure dry-salt method, and aged at least five months before released for wholesale sale.

(iii) *Notification by processors.* Every person who supplies a seller at retail with Smithfield or Virginia long-cure ham shall cause to be enclosed with the first shipment after the effective date of this amendment a printed statement clearly setting forth the amount of the authorized increase taken by the supplier and the extent to which such increase may be added to the maximum price of the seller at retail: *Provided*, That if the supplier has not taken the full permitted increase at the time of such shipment he shall enclose a similar statement with the first shipment made to each seller at retail after the supplier has taken any further authorized increases.

(b) *Effective dates.*

(21) Amendment No. 20 (§ 1499.73 (a) (20)) to Supplementary Regulation No. 14 shall become effective September 19, 1942. (Pub. Law 421, 77th Cong.)

Issued this 14th day of September 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-9096; Filed, September 14, 1942; 4:23 p. m.]

#### Notices

#### DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. A-1469]

DISTRICT BOARD No. 18

ORDER POSTPONING HEARING

In the matter of the petition of District Board No. 18 for the establishment of price classifications and minimum prices for certain mines in District No. 18.

A hearing in the above-entitled matter having been scheduled to be held on September 17, 1942, at a hearing room of the Bituminous Coal Division in Washington, D. C.; and

District Board No. 18 having moved that such hearing be postponed to October 8, 1942; and no opposition having been interposed in this matter; and good cause having been shown why such motion should be granted;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be, and it hereby is, postponed from 10 o'clock in the forenoon of September 17, 1942, until 10 o'clock in the forenoon of October 8, 1942.

The time for filing petitions of intervention in this matter is hereby extended until October 3, 1942.

In all other respects the Notice of and Order for Hearing entered in this matter on August 18, 1942, as amended by the Order entered herein on September 9, 1942, shall remain in full force and effect.

Dated: September 12, 1942.

[SEAL]

DAN H. WHEELER,  
Acting Director.

[F. R. Doc. 42-9108; Filed, September 15, 1942;  
11:20 a. m.]

[Docket Nos. A-1582, A-1604]

DISTRICT NO. 3 BITUMINOUS COAL PRODUCERS BOARD

ORDER POSTPONING HEARING, ADVANCING HEARING AND REDESIGNATING TRIAL EXAMINER

In the matter of the petitions of Bituminous Coal Producers Board for District No. 3 for preliminary and permanent relief regarding changes in classifications for rail shipments only for coals from mines of certain code members in District No. 3.

Hearings having been scheduled in Docket No. A-1582 for September 15, 1942, and in Docket No. A-1604 for October 7, 1942, upon the petitions of District Board No. 3; and

Petitioner having moved that the hearing in Docket No. A-1582 be continued to September 24, 1942, and that the hearing in Docket No. A-1604 be advanced to September 24, 1942, in order to permit Petitioner's counsel to keep prior engagements; and

It appearing that a reasonable showing of necessity has been made for the relief requested;

It is therefore ordered, That the hearing in Docket No. A-1582, now scheduled for September 15, 1942, be postponed to September 24, 1942, and that the hearing in Docket No. A-1604, now scheduled for October 7, 1942, be advanced to September 24, 1942.

It is further ordered, That Examiner Travis Williams be designated Examiner in Docket No. A-1582 vice Examiner Charles O. Fowler who was designated Examiner vice W. A. Cuff by Order dated September 9, 1942.

It is further ordered, That in all other respects the Notice of and Order for Hearing in Docket No. A-1582, dated August 13, 1942, and the Notice of and Order for Hearing in Docket No. A-1604, dated September 3, 1942, shall remain in full force and effect.

Dated: September 14, 1942.

[SEAL]

DAN H. WHEELER,  
Acting Director.

[F. R. Doc. 42-9109; Filed September 15, 1942;  
11:20 a. m.]

[Docket No. A-1572]

ONTARIO GAS COAL CORP. OF VA.

ORDER ADVANCING DATE OF HEARING, REDESIGNATING EXAMINER AND AMENDING NOTICE OF AND ORDER FOR HEARING

In the matter of the petition of Ontario Gas Coal Corporation of Virginia for the establishment of price classifications and minimum prices for the coals of its Tidewater No. 2 Mine, Mine Index No. 316, in District No. 7.

The original petitioner, Ontario Gas Coal Corporation of Virginia, having moved that the hearing in the above-entitled matter be advanced from October 1, 1942, and having shown good cause why its motion should be granted, and there having been no opposition thereto;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be advanced from October 1, 1942, to 10 o'clock in the forenoon of September 18, 1942, at the place heretofore designated and that Examiner Charles S. Mitchell shall preside vice Examiner W. A. Cuff.

The matter concerned herewith is in regard to the petition of Ontario Gas Coal Corporation of Virginia for the establishment of price classifications and minimum prices for the coals of its Tidewater No. 2 Mine (Mine Index No. 316) in District No. 7; and more particularly for the establishment for the coals of the said mine of a minimum price of 280 cents per net ton in Size Group 8, for rail shipment from Midlothian, Virginia, only to within the switching limits of Richmond, Virginia, in Market Area 100, and minimum prices of 425, 410, 420, 325, 300, and 280 cents per net ton in Size Groups 1 to 6, inclusive, respectively, for truck shipments.

The matter concerned herewith also includes the request contained in an amended petition filed with the Division on August 20, 1940, that the minimum prices requested to be established in the original petition, as stated above, for the coals of said Tidewater No. 2 Mine (Mine Index No. 316) be increased \$1.00 per ton on all sizes of coal shipped by truck; and that price classifications and the following minimum prices of \$5.25, \$4.25, and \$4.00 per ton be established for the coals of said mine in Size Groups 1, 7, and 8, respectively, when shipped by rail into Market Area 100, and that a price of \$3.80 per ton be established for Size Group 8 when shipped by rail to public utilities within the switching limits of Richmond, Virginia, in Market Area 100.

The Notice of and Order for Hearing and Order Granting Temporary Relief dated August 29, 1942, issued in the above-entitled matter, will remain in all other respects, in full force and effect.

Dated: September 14, 1942.

[SEAL]

DAN H. WHEELER,  
Acting Director.

[F. R. Doc. 42-9110; Filed, September 15, 1942;  
11:20 a. m.]

[Docket No. D-22]

STAHMER COAL CO.—MADISON FUEL AND SUPPLY CO.

ORDER POSTPONING HEARING

In the matter of the application of Stahmer Coal Company for permission to receive sales agents' commissions and distributors' discounts on coal sold to Madison Fuel and Supply Company.

The above-entitled matter by Order dated August 8, 1942, having been scheduled for hearing on September 15, 1942, at a hearing room of the Bituminous Coal Division, 734 15th Street NW., Washington, D. C.; and

Applicant having filed, on September 10, 1942, a motion to postpone said hearing for a period of 60 days, and having shown good cause therefor,

It is ordered, That the hearing in the above-entitled matter be postponed from 10:00 a. m. on September 15, 1942 to November 16, 1942, before the Examiner and at the place heretofore designated.

Dated: September 12, 1942.

[SEAL]

DAN H. WHEELER,  
Acting Director.

[F. R. Doc. 42-9111; Filed, September 15, 1942;  
11:20 a. m.]

[Docket No. C-10]

BETHLEHEM STEEL CO.—INDUSTRIAL COLLIERIES CORP.

ORDER POSTPONING HEARING

In the matter of the acceptances of the Bituminous Coal Code submitted by Bethlehem Steel Company and Industrial Collieries Corporation with respect to certain mines in Districts 1, 2, and 3.

Bethlehem Steel Company and Industrial Collieries Corporation have moved that the hearing in the above-entitled matter heretofore scheduled for September 15, 1942, at 10 o'clock in the forenoon of that date be postponed until October 8, 1942 and have shown good cause why said hearing should be postponed.

It appears, however, that October 20, 1942 will be a more convenient date upon which to hold said hearing than October 8, 1942.

Now, therefore, it is ordered, That the hearing in the above-entitled matter be and it hereby is postponed from 10 o'clock in the forenoon of September 15, 1942 until 10 o'clock in the forenoon of October 20, 1942, and that in all other respects the original Notice of and Order for Hearing shall remain in full force and effect.

Dated: September 14, 1942.

[SEAL]

DAN H. WHEELER,  
Acting Director.

[F. R. Doc. 42-9112; Filed, September 15, 1942;  
11:21 a. m.]

[Docket No. B-2371]

## YORK &amp; PARK

## NOTICE OF AND ORDER FOR HEARING

In the matter of Dewey C. York, Dude Park and I. T. York, individually and as co-partners doing business under the name and style of York & Park, code member.

A complaint dated July 1, 1942, pursuant to the provisions of section 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 (the "Act"), having been duly filed on July 7, 1942, by Bituminous Coal Producers Board for District No. 8, complainant, with the Bituminous Coal Division (the "Division"), alleging wilful violation by Dewey C. York, Dude Park and I. T. York, doing business under the name and style of York & Park, (the "Code Member"), of the Bituminous Coal (the "Code"), or rules and regulations thereunder:

*It is ordered*, That a hearing in respect to the subject matter of such complaint be held on October 21, 1942, at 10 a. m. at a hearing room of the Bituminous Coal Division at Room 214, Post Office Building, Knoxville, Tennessee.

*It is further ordered*, That Floyd McGown or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, to take evidence, and to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said Code Member and to all other parties herein and to all persons and entities having an interest in this proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Act, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Division at its Washington Office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the Code Member; and that failure to file an answer within such period, unless otherwise ordered, shall be deemed to be an admission of the allegations of the complaint herein and a consent to the entry of an appropriate order on the basis of the facts alleged.

Notice is also hereby given that if it shall be determined that the Code Member has wilfully committed any one or more of the violations alleged in the complaint, an order may be entered either

revoking the membership of the Code Member in the Code and the Code Member's right to an exemption from the taxes imposed by section 3520 (b) (1) of the Internal Revenue Code, or directing the Code Member to cease and desist from violating the Code and regulations made thereunder.

All persons are hereby notified that the hearing in the above entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

Notice is also hereby given that any application, pursuant to § 301.132 of the Rules of Practice and Procedure before the Division for the disposition of this proceeding without formal hearing, must be filed not later than fifteen (15) days after receipt by the Code Member of the complaint herein.

The matter concerned herewith is in regard to the complaint filed by said complainant alleging that Dewey C. York, Dude Park, and I. T. York, individually and as co-partners, doing business under the name and style of York & Park, a Code Member of Georgia Avenue, Pineville, Kentucky, whose code membership became effective as of September 11, 1940, operating the York Mine, Mine Index No. 2848, located in Bell County, Kentucky, District No. 8, has violated the Act, the Code, and rules and regulations thereunder by:

1. Selling during the period March 31, 1941 to May 1, 1941, both dates inclusive, to L. E. Weller of Pineville, Kentucky, approximately 150 tons of 2" slack coal produced at the above-named mine at a price of \$1.40 per net ton f. o. b. railroad car at Pineville, Kentucky, whereas the effective minimum price for said coal was \$1.65 per net ton f. o. b. the mine as set forth in the Schedule of Effective Minimum Prices for District No. 8 for Truck Shipment, resulting in violation of section 4 II (e) of the Act and Part II (e) of the Code; and

2. Selling during the period March 1, 1941 to May 1, 1941, both dates inclusive, to L. E. Weller of Pineville, Kentucky, approximately 150 tons of 2" slack coal produced at the above-named mine for shipment by rail, whereas prices, temporary or final, had not been established by the Division for said coal, for rail shipment, resulting in violation of the Order in General Docket No. 19 dated October 9, 1940.

Dated: September 14, 1942.

[SEAL]

DAN H. WHEELER,  
Acting Director.[F. R. Doc. 42-9113; Filed, September 15, 1942;  
11:21 a. m.]

[Docket No. B-318]

## COSHOCTON COAL CO.

## NOTICE OF AND ORDER FOR HEARING

In the matter of W. B. Shepherd, Eugene Brill and H. S. Gander, individu-

ally and as co-partners, doing business under the name and style of Coshocton Coal Company, code member.

A complaint dated August 25, 1942, pursuant to the provisions of section 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 (the "Act"), having been duly filed on August 29, 1942, by Bituminous Coal Producers Board for District No. 4, complainant, with the Bituminous Coal Division (the "Division"), alleging wilful violation by W. B. Shepherd, Eugene Brill and H. S. Gander, individually and as co-partners, doing business under the name and style of Coshocton Coal Company, (the "Code Member"), of the Bituminous Coal Code (the "Code"), or rules and regulations thereunder:

*It is ordered*, That a hearing in respect to the subject matter of such complaint be held on October 21, 1942, at 10 a. m. at a hearing room of the Bituminous Coal Division at the Berwick Hotel, Cambridge, Ohio.

*It is further ordered*, That W. A. Cuff or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, to take evidence, and to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said Code Member and to all other parties herein and to all persons and entities having an interest in this proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Act, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Division at its Washington Office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the Code Member; and that failure to file an answer within such period, unless otherwise ordered, shall be deemed to be an admission of the allegations of the complaint herein and a consent to the entry of an appropriate order on the basis of the facts alleged.

Notice is also hereby given that if it shall be determined that the Code Member has wilfully committed any one or more of the violations alleged in the complaint, an order may be entered either revoking the membership of the Code Member in the Code and the Code Member's right to an exemption from the taxes imposed by section 3520 (b) (1) of the Internal Revenue Code, or directing the Code Member to cease and desist

from violating the Code and regulations made thereunder.

All persons are hereby notified that the hearing in the above entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

Notice is also hereby given that any application, pursuant to § 301.132 of the Rules of Practice and Procedure before the Division for the disposition of this proceeding without formal hearing, must be filed not later than fifteen (15) days after receipt by the Code Member of the complaint herein.

The matter concerned herewith is in regard to the complaint filed by said complainant alleging that W. B. Shepherd, Eugene Brill and H. S. Gander, individually and as co-partners, doing business under the name and style of Coshocton Coal Company, whose address is Cambridge, Ohio, a code member, whose code membership became effective as of October 21, 1940, operating the Dickerson Mine, Mine Index No. 1465, located in Coshocton County, Ohio, in Subdistrict No. 4 of District No. 4, willfully violated Section 4 II (a) of the Act and Part 4 II (a) of the Code and Orders Nos. 307 and 309, promulgated by the Division on December 11, 1940, and January 14, 1941, respectively, by failing and refusing to file with the Statistical Bureau for District No. 4 for each month from January 1941 to July, 1942, inclusive, within five (5) days from the end of each of said months, reports of all sales made during each of said months of coal produced at the above-named mine and shipped from said mine to various purchasers and copies of truck tickets, sales slips, invoices and listings of said sales as required by section III (b) of said Order No. 307.

Dated: September 14, 1942.

[SEAL] DAN H. WHEELER,  
Acting Director.

[F. R. Doc. 42-9114; Filed, September 15, 1942;  
11:21 a. m.]

[Docket No. B-299]

A. B. EWEN

#### NOTICE OF AND ORDER FOR HEARING

A complaint dated July 3, 1942, pursuant to the provisions of section 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 (the "Act"), having been duly filed on July 3, 1942, by Bituminous Coal Producers Board for District No. 8, complainant, with the Bituminous Coal Division (the "Division"), alleging wilful violation by A. B. Ewen (the "Code Member"), of the Bituminous Coal Code (the "Code"), or rules and regulations thereunder:

*It is ordered*, That a hearing in respect to the subject matter of such complaint be held on October 28, 1942, at 10 a. m. at a hearing room of the Bituminous Coal Division at the Cabell County Court House, Huntington, West Virginia.

*It is further ordered*, That Floyd McGown or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, to take evidence, and to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said Code Member and to all other parties herein and to all persons and entities having an interest in this proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Act, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Division at its Washington Office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the Code Member; and that failure to file an answer within such period, unless otherwise ordered, shall be deemed to be an admission of the allegations of the complaint herein and a consent to the entry of an appropriate order on the basis of the facts alleged.

Notice is also hereby given that if it shall be determined that the Code Member has wilfully committed any one or more of the violations alleged in the complaint, an order may be entered either revoking the membership of the Code Member in the Code and the Code Member's right to an exemption from the taxes imposed by section 3520 (b) (1) of the Internal Revenue Code, or directing the Code Member to cease and desist from violating the Code and regulations made thereunder.

All persons are hereby notified that the hearing in the above entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

Notice is also hereby given that any application, pursuant to § 301.132 of the Rules of Practice and Procedure before the Division for the disposition of this proceeding without formal hearing, must be filed not later than fifteen (15) days after receipt by the Code Member of the complaint herein.

The matter concerned herewith is in regard to the complaint filed by said complainant alleging that A. B. Ewen, a Code Member of West Liberty, Kentucky,

whose code membership became effective August 29, 1940, operating the Lick Branch Cannel Coal Mine, Mine Index No. 2863, located in Morgan County, Kentucky, District No. 8, violated the Act, the Code, and rules and regulations thereunder by selling during the period October 9, 1940 to April 12, 1941, both dates inclusive, to Francis M. A. Leach approximately 1,382.95 tons of cannel lump coals produced at the above-named mine for shipment by rail, whereas prices, temporary or final, had not been established by the Division for said coals for rail shipment, resulting in violation of the Order in General Docket No. 19 dated October 9, 1940.

Dated: September 14, 1942.

[SEAL] DAN H. WHEELER,  
Acting Director.

[F. R. Doc. 42-9115; Filed, September 15, 1942;  
11:22 a. m.]

[Docket No. B-298]

BOYD SLUSHER

#### NOTICE OF AND ORDER FOR HEARING

A complaint dated July 1, 1942, pursuant to the provisions of section 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 (the "Act"), having been duly filed on July 3, 1942, by Bituminous Coal Producers Board for District No. 8 complainant, with the Bituminous Coal Division (the "Division"), alleging wilful violation by Boyd Slusher (the "Code Member"), of the Bituminous Coal Code (the "Code"), or rules and regulations thereunder:

*It is ordered*, That a hearing in respect to the subject matter of such complaint be held on October 21, 1942, at 10 a. m. at a hearing room of the Bituminous Coal Division at Room 214, Post Office Building, Knoxville, Tennessee.

*It is further ordered*, That Floyd McGown or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, to take evidence, and to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said Code Member and to all other parties herein and to all persons and entities having an interest in this proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Act, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Division at its Washington Office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the Code Member; and that failure to file an answer within such period, unless otherwise ordered, shall be deemed to be an admission of the allegations of the complaint herein and a consent to the entry of an appropriate order on the basis of the facts alleged.

Notice is also hereby given that if it shall be determined that the Code Member has wilfully committed any one or more of the violations alleged in the complaint, an order may be entered either revoking the membership of the Code Member in the Code and the Code Member's right to an exemption from the taxes imposed by section 3520 (b) (1) of the Internal Revenue Code, or directing the Code Member to cease and desist from violating the Code and regulations made thereunder.

All persons are hereby notified that the hearing in the above entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

Notice is also hereby given that any application, pursuant to § 301.132 of the Rules of Practice and Procedure before the Division for the disposition of this proceeding without formal hearing, must be filed not later than fifteen (15) days after receipt by the Code Member of the complaint herein.

The matter concerned herewith is in regard to the complaint filed by said complainant alleging that Boyd Slusher, a Code Member of Miracle, Kentucky, whose code membership became effective as of September 6, 1938, operating Mine Index No. 1553 located in Bell County, Kentucky, District No. 8, violated the Act, the Code, and the rules and regulations thereunder by:

1. Selling on or about April 17, 1941, to Isaac Slusher of Hulen, Kentucky, approximately 56.4 tons of 2" slack coal produced at the above-designated mine at a price of \$1.25 per net ton, f. o. b. the mine, for truck shipment, whereas the effective minimum price for said coal was \$1.70 per net ton f. o. b. the mine as set forth in the Schedule of Effective Minimum Prices for Truck Shipment for District No. 8, resulting in violation of section 4 II (e) of the Act and Part II (e) of the Code; and

2. Selling on or about April 17, 1941, to Isaac Slusher of Hulen, Kentucky, approximately 56.4 tons of 2" slack coal produced at the above-designated mine for shipment by rail, whereas prices, temporary or final, had not been established by the Division for said coal for rail shipment, resulting in violation of the Order in General Docket No. 19 dated October 9, 1940; and

3. Selling on or about April 19, 1941, to Isaac Slusher of Hulen, Kentucky, ap-

proximately 52.3 tons of 2" slack coal produced at the above-designated mine at a price of \$1.25 per net ton f. o. b. the mine for truck shipment, whereas the effective minimum price for said coal was \$1.70 per net ton f. o. b. the mine as set forth in the Schedule of Effective Minimum Prices for District No. 8 for Truck Shipment, resulting in violation of section 4 II (e) of the Act and Part II (e) of the Code; and

4. Selling on or about April 19, 1941, to Isaac Slusher of Hulen, Kentucky, approximately 52.3 tons of 2" slack coal produced at the above-designated mine for shipment by rail, whereas prices, temporary or final, had not been established by the Division for the sale of said coal for rail shipment, resulting in violation of the Order in General Docket No. 19 dated October 9, 1940.

September 14, 1942.

[SEAL]

DAN H. WHEELER,  
Acting Director.

[F. R. Doc. 42-9116; Filed, September 15, 1942;  
11:22 a. m.]

[Docket No. B-295]

C. J. FANNON

#### NOTICE OF AND ORDER FOR HEARING

A complaint dated July 1, 1942, pursuant to the provisions of section 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 (the "Act"), having been duly filed on July 3, 1942, by Bituminous Coal Producers Board for District No. 8, complainant, with the Bituminous Coal Division (the "Division"), alleging wilful violation by C. J. Fannon (the "Code Member"), of the Bituminous Coal Code (the "Code"), or rules and regulations thereunder:

*It is ordered*, That a hearing in respect to the subject matter of such complaint be held on October 22, 1942, at 10 a. m. at a hearing room of the Bituminous Coal Division at Room 214, Post Office Building, Knoxville, Tennessee.

*It is further ordered*, That Floyd McGown or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, to take evidence, and to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said Code Member and to all other parties herein and to all persons and entities having an interest in this proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Division in Proceedings Instituted Pursuant to sections 4 II (j) and

5 (b) of the Act, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Division at its Washington Office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the Code Member; and that failure to file an answer within such period, unless otherwise ordered, shall be deemed to be an admission of the allegations of the complaint herein and a consent to the entry of an appropriate order on the basis of the facts alleged.

Notice is also hereby given that if it shall be determined that the Code Member has wilfully committed any one or more of the violations alleged in the complaint, an order may be entered either revoking the membership of the Code Member in the Code and the Code Member's right to an exemption from the taxes imposed by section 3520 (b) (1) of the Internal Revenue Code, or directing the Code Member to cease and desist from violating the Code and regulations made thereunder.

All persons are hereby notified that the hearing in the above entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

Notice is also hereby given that any application, pursuant to § 301.132 of the Rules of Practice and Procedure before the Division for the disposition of this proceeding without formal hearing, must be filed not later than fifteen (15) days after receipt by the Code Member of the complaint herein.

The matter concerned herewith is in regard to the complaint filed by said complainant alleging that C. J. Fannon, a Code Member of Barbourville, Kentucky, whose code membership became effective as of January 3, 1938, operating Mine Index No. 1648, located in Knox County, Kentucky, District No. 8, violated the Act, the Code, and the rules and regulations thereunder by:

1. Selling on or about April 13, 1941, to J. R. Ketchum of Barbourville, Kentucky, approximately 164.65 tons of 2" slack coal produced at the above-designated mine at a price of \$1.00 per net ton f. o. b. the railroad car at the siding of the Louisville & Nashville Railroad Company at Barbourville, Kentucky, whereas the effective minimum price for said coal was \$1.55 per net ton f. o. b. the mine, as set forth in the Schedule of Effective Minimum Prices for District No. 8 for Truck Shipment, resulting in violation of section 4 II (e) and (g) of the Act and Part II (e) and (g) of the Code; and

2. Selling on or about April 13, 1941, to J. R. Ketchum of Barbourville, Kentucky, approximately 164.65 tons of 2" slack coal produced at the above-designated mine for shipment by rail, whereas



prices, temporary or final, had not been established by the Division for said coals for rail shipment, resulting in violation of the Order in General Docket No. 19 dated October 9, 1940.

[SEAL] DAN H. WHEELER,  
Acting Director.

SEPTEMBER 14, 1942.

[F. R. Doc. 42-9117; Filed, September 15, 1942;  
11:22 a. m.]

[Docket No. B-313]

W. A. EDIE & SON

#### NOTICE OF AND ORDER FOR HEARING

In the matter of W. A. Edie and Harold C. Edie, individually and as co-partners, doing business as W. A. Edie & Son, Code Member.

A complaint dated July 17, 1942, pursuant to the provisions of section 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 (the "Act"), having been duly filed on July 29, 1942, by Bituminous Coal Producers Board for District No. 4, complainant, with the Bituminous Coal Division (the "Division"), alleging wilful violation by W. A. Edie and Harold C. Edie, doing business as W. A. Edie & Son, (the "Code Member"), of the Bituminous Coal Code (the "Code"), or rules and regulations thereunder:

*It is ordered*, That a hearing in respect to the subject matter of such complaint be held on October 21, 1942, at 10 a. m. at a hearing room of the Bituminous Coal Division at the Berwick Hotel, Cambridge, Ohio.

*It is further ordered*, That W. A. Cuff or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, to take evidence, and to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said Code Member and to all other parties herein and to all persons and entities having an interest in this proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Act, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given, that answer to the complaint must be filed with the Division at its Washington Office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the Code Member; and that failure to file an answer within such period, unless otherwise ordered, shall be deemed to be an admission

of the allegations of the complaint herein and a consent to the entry of an appropriate order on the basis of the facts alleged.

Notice is also hereby given, that if it shall be determined that the Code Member has wilfully committed any one or more of the violations alleged in the complaint, an order may be entered either revoking the membership of the Code Member in the Code and the Code Member's right to an exemption from the taxes imposed by section 3520 (b) (1) of the Internal Revenue Code, or directing the Code Member to cease and desist from violating the Code and regulations made thereunder.

All persons are hereby notified, that the hearing in the above entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

Notice is also hereby given, that any application, pursuant to § 301.132 of the Rules of Practice and Procedure before

the Division for the disposition of this proceeding without formal hearing, must be filed not later than fifteen (15) days after receipt by the Code Member of the complaint herein.

The matter concerned herewith is in regard to the complaint filed by said complainant alleging wilful violation by the above-named code member as follows: That the said W. A. Edie and Harold C. Edie, individually and as co-partners, doing business under the name and style of W. A. Edie & Son, a code member, whose address is R. F. D. No. 3, New Philadelphia, Ohio, whose code membership became effective as of April 5, 1939, and who operate the Edie Mine (Mine Index No. 1729), located near Goshen Township, Tuscarawas County, Ohio, in Sub-district 4 of District No. 4,

By selling, subsequent to September 30, 1940, a substantial quantity of coal produced at the afore-mentioned Edie Mine, for truck shipment, to various purchasers, at various f. o. b. mine prices, below the applicable minimum prices established therefor in the Schedule of Effective Minimum Prices for District No. 4 for Truck Shipments, as more particularly set forth in the tabulation below:

Dates of sale	Purchasers	Tonnages sold	Sizes (size groups)	Sales Price f. o. b. mine	Effective minimum price f. o. b. mine
<i>1941</i>					
Jan. 1 through Feb. 23	Bernard Smeigel, Cleveland, Ohio.	60	¾" Slack (No. 8)	\$1.25	\$1.80
May 1 through Dec. 31	Robert Schaar, New Philadelphia, Ohio.	270	¾" Slack (No. 8)	1.00	1.80
Feb. 1 through Nov. 30	Various Truckers	60	¾" Lump (No. 5)	2.00	2.35
<i>1942</i>					
Jan. 1 through March 31	Smithberger, Massillon, Ohio.	115	¾" Slack (No. 8)	1.50	1.80

Resulting in violation of section 4 II (e) of the Act and Part II (e) of the Code.

Dated: September 14, 1942.

[SEAL] DAN H. WHEELER,  
Acting Director.

[F. R. Doc. 42-9118; Filed, September 15, 1942;  
11:23 a. m.]

[Docket No. A-1391]

FIKE COAL CO. MINE

#### ORDER DISMISSING ORIGINAL PETITION

In the matter of the petition of Loe P. Fike, Code Member producer in District No. 1, for additional shipping point for Fike Coal Company Mine (Mine Index No. 606), pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

On April 1, 1942, Loe P. Fike, a code member in District No. 1, filed an original petition with the Bituminous Coal Division requesting an additional shipping point for his Fike Coal Company Mine (Mine Index No. 606), which was assigned Docket No. A-1391.

This petition failed to comply with Part 301 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sec-

tion 4 II (d) of the Bituminous Coal Act of 1937.

By letter dated May 11, 1942, the petitioner was advised that his petition was not in proper form to be considered as a 4 II (d) petition and that no action would be taken regarding it until certain specified deficiencies were corrected.

No amended petition has been filed with the Division by petitioner and no communication has been received by the Division in response to the letter of May 11, 1942.

It therefore appears that a reasonable time for the filing of an amended petition has elapsed and that petitioner has no further interest in this proceeding.

*Now, therefore, it is ordered*, That the original petition in this matter be dismissed without prejudice to the right of the petitioner to file another petition with the Division in regard to the same matter pursuant to the Rules and Regulations of the Division established in connection with section 4 II (d) of the Bituminous Coal Act of 1937.

Dated: September 12, 1942.

[SEAL] DAN H. WHEELER,  
Acting Director.

[F. R. Doc. 42-9119; Filed, September 15, 1942;  
11:23 a. m.]

## General Land Office.

[Public Land Order 37]

## WISCONSIN

WITHDRAWING PUBLIC LAND FOR USE OF THE  
WAR DEPARTMENT, FOR MILITARY PURPOSES

By virtue of the authority vested in the President and pursuant to Executive Order No. 9146 of April 24, 1942, it is ordered as follows:

Subject to valid existing rights, the following-described public land is hereby withdrawn from all forms of appropriation under the public-land laws, including the mining laws, and reserved for the use of the War Department for military purposes:

## FOURTH PRINCIPAL MERIDIAN

T. 19 N., R. 2 W., sec. 6, SW $\frac{1}{4}$ NE $\frac{1}{4}$ .

The area described contains 40 acres.

This order shall take precedence over, but shall not rescind or revoke, the temporary withdrawal for classification and other purposes made by Executive Order No. 6964 of February 5, 1935, as amended, so far as such order affects the above-described land.

It is intended that the land described herein shall be returned to the administration of the Department of the Interior, when it is no longer needed for the purpose for which it is reserved.

HAROLD L. ICKES,  
*Secretary of the Interior.*

SEPTEMBER 7, 1942.

[F. R. Doc. 42-9103; Filed September 15, 1942;  
10:11 a. m.]

[Public Land Order 38]

WITHDRAWING PUBLIC LANDS FOR USE OF  
THE NAVY DEPARTMENT FOR AVIATION PURPOSES

## WASHINGTON

By virtue of the authority vested in the President and pursuant to Executive Order No. 9146 of April 24, 1942, and to Section 3 of the act of June 17, 1902, c. 1093, 32 Stat. 388 (U.S.C., title 43, sec. 416), it is ordered as follows:

Subject to valid existing rights, the following-described public lands are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining laws, and reserved for the use of the Navy Department for aviation purposes:

## WILLAMETTE MERIDIAN

T. 10 N., R. 27 E., sec. 20, SE $\frac{1}{4}$ ;T. 9 N., R. 28 E., sec. 8, SW $\frac{1}{4}$ .

The areas described aggregate 320 acres.

The order of the Secretary of the Interior of December 22, 1905, withdrawing certain lands for reclamation purposes, is hereby modified to the extent necessary to permit the use of the above-described lands as herein provided.

It is intended that the lands described herein shall be returned to the admin-

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istration of the Department of the Interior when they are no longer needed for the purpose for which they are reserved.

HAROLD L. ICKES,  
*Secretary of the Interior.*

SEPTEMBER 8, 1942.

[F. R. Doc. 42-9102; Filed, September 15, 1942;  
10:12 a. m.]

## NEVADA

## AIR-NAVIGATION SITE WITHDRAWAL NO. 100

AUGUST 24, 1942.

It is ordered, under and pursuant to the provisions of section 4 of the act of May 24, 1928, 45 Stat. 729, 49 U. S. C. 214, that the following-described public lands in Nevada be, and they are hereby, withdrawn from all forms of appropriation under the public-land laws and reserved, subject to valid existing rights, for the use of the Civil Aeronautics Administration, Department of Commerce, as a radio range station site and for the construction of a graveled access road, the reservation to be known as Air-Navigation Site Withdrawal No. 100:

## MOUNT DIABLO MERIDIAN

T. 18 N., R. 30 E., sec. 7, SW $\frac{1}{4}$ SE $\frac{1}{4}$ .

The area described contains 40 acres.

## RIGHT OF WAY

A right of way 30 feet wide, the center line of which is described as follows:

Beginning at a point in the center line of the Churchill County road and on the west boundary of sec. 7, T. 18 N., R. 30 E., M. D. M., from which the quarter section corner of secs. 7 and 12 bears north approximately 35 feet.

From the initial point, East 72 ft. to a point, S. 54° E., 3.150 ft. to the west line of the radio range site, being on the east line of the SW $\frac{1}{4}$  of sec. 7.

The area described contains approximately 2.21 acres.

The departmental orders of July 2 and August 26, 1902, withdrawing certain lands for reclamation purposes in connection with the Newlands (formerly Truckee-Carson) project, are hereby modified to the extent necessary to permit the use of the above-described lands as herein provided.

ADE FORTAS,  
*Acting Secretary of the Interior.*

[F. R. Doc. 42-9104; Filed, September 15, 1942;  
10:11 a. m.]

## DEPARTMENT OF LABOR.

## Wage and Hour Division.

## CROSBY STEAM GAGE AND VALVE CO.

## NOTICE OF GRANTING OF EXCEPTION

Notice of granting of exception pursuant to § 516.18 of the Record Keeping Regulations, Part 516.

Notice is hereby given that pursuant to § 516.18 of the Record Keeping Regulations, Part 516,<sup>1</sup> issued pursuant to the Fair Labor Standards Act of 1938, the

<sup>1</sup> 6 F.R. 4694.

Administrator of the Wage and Hour Division has granted to the Crosby Steam Gage and Valve Company of Massachusetts, relief from the necessity of preserving certain records as required by §§ 516.14 and 516.15 of the Record Keeping Regulations, provided that the records are preserved for at least six months, and that such records are then microfilmed and the microfilms preserved for the remainder of such periods as the original records are required to be preserved under §§ 516.14 and 516.15 of the Record Keeping Regulations.

This authority is granted on the representations of the petitioner and is subject to revocation for cause.

Signed at New York, New York, this 11th day of September 1942.

WILLIAM B. GREGAN,  
*Acting Administrator.*

[F. R. Doc. 42-9122; Filed, September 15, 1942;  
11:46 a. m.]

## EMBROIDERIES INDUSTRY

NOTICE OF HEARING ON RECOMMENDATIONS  
OF INDUSTRY COMMITTEE

Notice of hearing on the minimum wage recommendations of Industry Committee No. 45 for the Embroideries Industry and the prohibition, restriction, or regulation of home work in the industry, to be held November 2, 1942.

Whereas, the Administrator of the Wage and Hour Division of the United States Department of Labor, acting pursuant to section 5 (b) of the Fair Labor Standards Act of 1938, on June 6, 1942, by Administrative Order No. 145, appointed Industry Committee No. 45 for the Embroideries Industry, composed of an equal number of representatives of the public, employers in the industry and employees in the industry, such representatives having been appointed with due regard to the geographical regions in which the industry is carried on; and

Whereas Industry Committee No. 45, on June 30, 1942, recommended a minimum wage rate for the Embroideries Industry and duly adopted a report containing such recommendation and reasons therefor and filed such report with the Administrator on June 30, 1942, pursuant to section 8 (d) of the Act and § 511.19 of the regulations issued under the Act; and

Whereas the Administrator is required by section 8 (d) of the Act, after due notice to interested persons and giving them an opportunity to be heard, to approve and carry into effect by order the recommendation of Industry Committee No. 45 if he finds that the recommendation is made in accordance with law and is supported by the evidence adduced at the hearing before him, and taking into consideration the same factors as are required to be considered by the industry committee, will carry out the purposes of section 8 of the Act; and, if he finds otherwise, to disapprove such recommendation;

Now, therefore, notice is hereby given that:

### I. The recommendation of Industry Committee No. 45 is as follows:

Wages at a rate of not less than 40 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the Embroideries Industry (as defined in Administrative Order No. 145) who is engaged in commerce or in the production of goods for commerce.

### II. The definition of the Embroideries Industry as set forth in Administrative Order No. 145, issued June 6, 1942, is as follows:

The production of all kinds of hand and machine-made embroideries and ornamental stitchings, including, but not by way of limitation, tucking, shirring, smocking, hemstitching, hand rolling, fagoting, Bonnaz embroidery, appliqueing, crochet beading, hand drawing, machine drawing, rhinestone trimming, sequin trimming, spangle trimming, eyelets, passementerie, pleating, the application of rhinestones and nailheads, stamping and perforating of designs, Schiffli embroidery and laces, burnt-out laces and velvets, Swiss hand-machine embroidery, thread splitting, embroidery-thread cutting, scallop cutting, lace cutting, lace making-up, making-up of embroidered yard goods, straight cutting of embroidery and cutting out of embroidery, embroidery trimmings, bindings (not made in textile establishments), pipings and emblems; *Provided, however*, That (1) the foregoing when produced or performed by a manufacturer of a garment, fabric or other article for use on such garment, fabric or other article, and (2) the manufacture of covered buttons and buckles, shall not be included.

The definition of the Embroideries Industry covers all occupations in the industry which are necessary to the production of the articles specified in the definition, including clerical, maintenance, shipping and selling occupations; *Provided, however*, That where an employee covered by this definition is employed during the same workweek at two or more different minimum rates of pay, he shall be paid the highest of such rates for such workweek unless records concerning his employment are kept by his employer in accordance with applicable regulations of the Wage and Hour Division.

### III. The full text of the report and recommendation of Industry Committee No. 45 is and will be available for inspection by any person between the hours of 9:00 a. m. and 4:30 p. m. at the following offices of the United States Department of Labor, Wage and Hour Division:

Boston, Massachusetts,  
Old South Building,  
294 Washington Street.

New York, New York,  
341 Ninth Avenue.

Newark, New Jersey,  
Essex Building,  
31 Clinton Street.

Philadelphia, Pennsylvania,  
1216 Widener Building,  
Chestnut and Juniper Streets.

Pittsburgh, Pennsylvania,  
219 Old Post Office Building,  
Fourth and Smithfield Streets.

Richmond, Virginia,  
215 Richmond Trust Building,  
627 East Main Street.

Baltimore, Maryland,  
201 North Calvert Street.

Raleigh, North Carolina,  
North Carolina Department of Labor,  
Salisbury and Edenton Streets.

Columbia, South Carolina,  
Federal Land Bank Building,  
Hampton and Marion Streets.

Atlanta, Georgia,  
Fifth Floor, Witt Building,  
249 Peachtree Street, N. E.

Jacksonville, Florida,  
456 New Post Office Building.

Birmingham, Alabama,  
1908 Comer Building,  
2nd Avenue and 21st Street.

New Orleans, Louisiana,  
916 Union Building.

Jackson, Mississippi,  
402 Deposit Guaranty Bank Building,  
102 Lamar Street.

Nashville, Tennessee,  
509 Medical Arts Building,  
115 Seventh Avenue, N.

Cleveland, Ohio,  
Main Post Office,  
West 3rd and Prospect Avenue.

Cincinnati, Ohio,  
1312 Traction Building,  
5th and Walnut Streets.

Detroit, Michigan,  
David Stott Building,  
1150 Griswold Street.

Chicago, Illinois,  
1200 Merchandise Mart,  
222 W. North Bank Drive.

Minneapolis, Minnesota,  
406 Pence Building,  
730 Hennepin Avenue.

Kansas City, Missouri,  
504 Title & Trust Building,  
10th and Walnut Streets.

St. Louis, Missouri,  
100 Old Federal Building.

Denver, Colorado,  
300 Chamber of Commerce Building,  
1726 Champa Street.

Dallas, Texas,  
Rio Grande National Building,  
1100 Main Street.

San Francisco, California,  
Room 500, Humboldt Bank Building,  
785 Market Street.

Los Angeles, California,  
417 H. W. Hellman Building.

Seattle, Washington,  
305 Post Office Building,  
3rd Avenue and Union Street.

San Juan, Puerto Rico,  
Post Office Box 112.

Washington, District of Columbia,  
Department of Labor,  
1st Floor.

New York, New York,  
165 West 46th Street.

Copies of the committee's report and recommendation may be obtained by any person upon request addressed to the Administrator of the Wage and Hour Division, United States Department of Labor, 165 West 46th Street, New York, New York.

IV. A public hearing will be held on November 2, 1942, before Major Robert N. Campbell, Presiding Officer, at 10:00 a. m. in the College Room of the Hotel Astor, New York, New York, for the purpose of taking evidence on the following questions:

(1) Whether the recommendation of Industry Committee No. 45 should be approved or disapproved.

(2) In the event an order is issued approving the recommendation, what, if any, prohibition, restriction, or regulation of home work in this industry is necessary to carry out the purpose of such order, to prevent the circumvention or evasion thereof, and to safeguard the minimum wage rate established therein.

V. Any interested person, supporting or opposing the recommendation of Industry Committee No. 45, may appear at the aforesaid hearing to offer evidence, either on his behalf or on behalf of any other person: *Provided*, That not later than October 24, 1942, such person shall file with the Administrator at New York, New York, a notice of his intent to appear which shall contain the following information:

(1) The name and address of the person appearing.

(2) If such person is appearing in a representative capacity, the name and address of the person or persons whom he is representing.

(3) Whether such person proposes to appear for or against the recommendation of Industry Committee No. 45.

(4) The approximate length of time requested for his presentation.

Such notice may be mailed to the Administrator, Wage and Hour Division, United States Department of Labor, 165 West 46th Street, New York, New York, and shall be deemed filed upon receipt thereof.

VI. Any person interested in supporting or opposing the recommendation of Industry Committee No. 45 may secure further information concerning the aforesaid hearing by inquiry directed to the Administrator, Wage and Hour Division, United States Department of Labor, 165 West 46th Street, New York, New York, or by consulting with attorneys representing the Administrator who will be available for that purpose at the Office of the Solicitor, United States Department of Labor, in Washington, D. C., and New York, New York.

VII. Copies of the following documents relating to the Embroideries Industry will be made available upon request for inspection by any interested person who intends to appear at the aforesaid hearing:

Report entitled, *The Embroideries Industry*, prepared by the Research and Statistics Branch, Wage and Hour Division, U. S. Department of Labor, dated August 1940.

Report entitled, *Some Recent Economic and Legislative Developments Bearing on the Establishment of a Minimum Wage Rate in the Embroideries Industry*, prepared by the Economics Branch, Wage and Hour Division, United States Department of Labor, dated June 1942.

VIII. The hearing will be conducted in accordance with the following rules, subject, however, to such subsequent modifications by the Administrator or the Presiding Officer as are deemed appropriate:

(1) The hearings shall be stenographically reported and a transcript made which will be available to any person at prescribed rates upon request addressed to the Administrator, Wage and Hour Division, United States Department of Labor, 165 West 46th Street, New York, New York.

(2) In order to maintain orderly and expeditious procedure, each person filing a Notice to Appear shall be notified, if practicable, of the approximate day and the place at which he may offer evidence at the hearing. If

such person does not appear at the time set in the notice he will not be permitted to offer evidence at any other time except by special permission of the Presiding Officer.

(3) At the discretion of the Presiding Officer the hearing may be continued from day to day, or adjourned to a later date, or to a different place, by announcement thereof at the hearing by the Presiding Officer, or by other appropriate notice.

(4) At any stage of the hearing, the Presiding Officer may call for further evidence upon any matter. After the Presiding Officer has closed the hearing before him, no further evidence shall be taken, except at the request of the Administrator, unless provision has been made at the hearing for the later receipt of such evidence. In the event that the Administrator shall cause the hearing to be reopened for the purpose of receiving further evidence, due and reasonable notice of the time and place fixed for such taking of testimony shall be given to all persons who have filed a notice of intention to appear at the hearing.

(5) All evidence must be presented under oath or affirmation.

(6) Written documents or exhibits, except as otherwise permitted by the Presiding Officer, must be offered in evidence by a person who is prepared to testify as to the authenticity and trustworthiness thereof, and who shall, at the time of offering the documentary exhibit, make a brief statement as to the contents and manner of preparation thereof.

(7) Written documents and exhibits shall be tendered in duplicate and the persons preparing the same shall be prepared to supply additional copies if such are ordered by the Presiding Officer. When evidence is embraced in a document containing matter not intended to be put in evidence, such a document will not be received, but the person offering the same may present to the Presiding Officer the original document together with two copies of those portions of the document intended to be put in evidence. Upon presentation of such copies in proper form the copies will be received in evidence.

(8) Subpoenas requiring the attendance of witnesses or the presentation of a document from any place in the United States at any designated place of hearing may be issued by the Administrator at his discretion, and any person appearing in the proceeding may apply in writing for the issuance by the administrator of the subpoena. Such application shall be timely and shall identify exactly the witness and document and state fully the nature of the evidence proposed to be secured.

(9) Witnesses summoned by the Administrator shall be paid the same fees and mileage as are paid witnesses in the courts of the United States. Witness fees and mileage shall be paid by the party at whose instance witnesses appear, and the Administrator before issuing subpoena may require a deposit of an amount adequate to cover the fees and mileage involved.

(10) The rules of evidence prevailing in the courts of law or equity shall not be controlling.

(11) The Presiding Officer may, at his discretion, permit any person appearing in the proceedings to cross-examine any witness offered by another person insofar as is practicable, and to object to the admission or exclusion of evidence by the Presiding Officer. Requests for permission to cross-examine a witness offered by another person and objections to the admission or exclusion of evidence shall be stated briefly with the reasons for such request or the ground of objection relied on. Such requests or objections shall become a part of the record, but this record shall not include argument

thereon except as ordered by the Presiding Officer. Objections to the approval of the committee's recommendation and to the promulgation of a wage order based upon such approval must be made at the hearing before the Presiding Officer.

(12) Before the close of the hearing, the Presiding Officer shall receive written requests from persons appearing in the proceeding for permission to make oral arguments before the Administrator upon the matter in issue. These requests will be forwarded to the Administrator by the Presiding Officer with the record of the proceedings. If the Administrator, in his discretion, allows the request, he shall give such notice thereof as he deems suitable to all persons appearing in the proceedings, and shall designate the time and place at which the oral arguments shall be heard. If such requests are allowed, all persons appearing at the hearing will be given opportunity to present oral argument.

(13) Briefs (12 copies) may be submitted to the Administrator following the close of the hearing, by any persons appearing therein. Notice of the final dates for filing such briefs shall be given by the Administrator in such manner as shall be deemed suitable by him.

(14) On the close of the hearing the Presiding Officer shall forthwith file a complete record of the proceedings with the Administrator. The Presiding Officer shall not file an intermediate report unless so directed by the Administrator. If a report is filed, it shall be advisory only and have no binding effect upon the Administrator.

(15) No order issued as a result of the hearing will take effect until after due notice is given of the issuance thereof by publication in the FEDERAL REGISTER.

Signed at New York, New York, this 11th day of September, 1942.

WILLIAM B. Grogan,  
Acting Administrator.

[F. R. Doc. 42-9123; Filed, September 15, 1942;  
11:46 a. m.]

## FEDERAL TRADE COMMISSION.

[Docket No. 4819]

AMERICAN INDUSTRIAL RUBBER CO., ET AL.

### ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

In the matter of American Industrial Rubber Company, a corporation, et al.

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 11th day of September, A. D. 1942.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 USCA, section 41).

It is ordered, That Webster Ballinger, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Monday, September 28, 1942, at ten o'clock in the forenoon of that day (Central Standard Time), in Room 1123, New Post Office Building, Chicago, Illinois.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on

behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL]

OTIS B. JOHNSON,  
Secretary.

[F. R. Doc. 42-9105; Filed, September 15, 1942;  
11:15 a. m.]

## SECURITIES AND EXCHANGE COMMISSION.

### / SUPERIOR INVESTMENT CO.

#### FINDINGS AND ORDER REVOKING REGISTRATION AS BROKER AND DEALER

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 11th day of September, A. D. 1942.

In the matter of Superior Investment Co., 9 South Kedzie Avenue, Chicago, Illinois.

1. Superior Investment Company, an Illinois Corporation hereinafter called registrant, is registered with this Commission as a broker and dealer under section 15 (b) of the Securities Exchange Act of 1934.

2. On June 25, 1942, we instituted proceedings under section 15 (b) of said Act to determine whether registrant's registration as a broker and dealer should be suspended or revoked. The order for proceedings stated that information had been reported to the Commission by its staff, which, if true, tended to show that registrant had wilfully violated the anti-fraud provisions of section 17 (a) of the Securities Act of 1933, and sections 8 (b), 15 (c) (1) and 17 (a) of the Securities Exchange Act of 1934, and the Commission's Rules X-15C1-2 (a) and (b) and X-17A-3 promulgated pursuant thereto. The information reported to the Commission was to the effect that:

a. During the period from about June 1, 1935 to date, registrant had been engaged in business as a broker and dealer and since February 29, 1940, or thereabout had transacted a business in securities through the medium of a member of a national securities exchange and otherwise.

b. On November 5, 1941, and prior thereto, registrant had no net capital employed in its business and at the same time, in the ordinary course of its business as a broker, owed substantial sums to various customers and banks.

c. During the period from approximately July 1, 1941 to approximately May 1, 1942, registrant, while engaged in effecting transactions of purchase and sale of securities for or with customers, failed to disclose to such customers that, in order to secure registration as a dealer in securities in the State of Illinois, it submitted to the Secretary of State of that state on or about July 1, 1941 a balance sheet as of May 31, 1941, purporting to reflect registrant's financial condition, which balance sheet was materially false and misleading.

d. During the period from approximately January 1, 1941 to approximately

December 20, 1941, registrant did not make or keep current certain books and records, including, among others:

(1) Blotters or other records of original entry containing itemized daily records of purchases and sales of securities and receipts and deliveries of securities;

(2) Ledgers or other records reflecting all assets and liabilities, income and expense and capital accounts;

(3) Ledger accounts or other records itemizing separately as to each cash and margin account of every customer all purchases, sales, receipts and deliveries of securities for such account and all other debits and credits to such account;

(4) A securities record or ledger reflecting separately for each security as of the clearance dates all "long" or "short" positions (including securities in safekeeping) carried by registrant for its account or for the account of its customers and showing the location of all securities long and the offsetting position to all securities short and in all cases the name or designation of the account in which each position is carried.

e. Registrant used the mails and the instruments of interstate commerce in affecting certain of the transactions described above.

3. On August 12, 1942, registrant submitted to the trial examiner an "answer and consent" to revocation, in which it acknowledges receipt and service of adequate notice of this proceeding and waives opportunity for hearing.

In said "answer and consent" registrant further admits and acknowledges, for the purpose of this proceeding, and for that purpose only, the existence of the facts set forth in the Commission's order for proceedings. Registrant also consents to the entry of an order, revoking its registration as an over-the-counter broker and dealer.

4. We find that the facts set forth in the order for proceedings, as noted above, are true and that registrant has wilfully violated section 17 (a) of the Securities Act of 1933 and sections 8 (b), 15 (c) (1) and 17 (a) of the Securities Exchange Act of 1934 and Rules X-15C1-2 (a) and (b) and X-17A-3 of the rules and regulations thereunder and that the public interest requires revocation of its registration.

Accordingly, it is ordered, pursuant to section 15 (b) of the Securities Exchange Act of 1934, that the registration of the Superior Investment Company be, and it hereby is, revoked.

[SEAL]

ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 42-9101; Filed, September 15, 1942;  
10:11 a. m.]

## WAR MANPOWER COMMISSION.

[Directive No. X]

### DIRECTIVE WITH RESPECT TO TRANSFER AND RELEASE OF GOVERNMENT EMPLOYEES

To all departments and agencies of the executive branch of the Federal Government, concerning transfer and release of Federal employees.

By virtue of the authority vested in me as Chairman of the War Manpower Commission by Executive Order No. 9139 establishing the War Manpower Commission,<sup>1</sup> and by Executive Order No. 9243,<sup>2</sup> and having found, after consultation with the members of the War Manpower Commission, that the measures hereinafter set forth will facilitate the filling of the Federal Government's requirements for manpower in the civilian service, and promote the proper allocation and the effective mobilization and utilization of the Nation's manpower in the prosecution of the war, it is hereby directed:

I. Whenever the Civil Service Commission shall find that a civilian employee of any department or agency of the executive branch of the Federal Government can make a more effective contribution to the war effort in a position in some other such department or agency, the Commission, with or without the consent of the employee or of the department or agency in which he is employed or to which he is transferred, shall direct the transfer of such employee to such position.

II. Whenever the Civil Service Commission shall find that a civilian employee of any department or agency of the executive branch of the Federal Government is qualified to perform work in a critical war occupation (as defined in the Essential Activities and Essential Occupations Directive) and can make a more effective contribution to the war effort in an essential activity carried on by a private enterprise, the Commission, with the consent of the employee, but with or without the consent of the department or agency in which he is employed, shall, upon request of such private enterprise, authorize the release of such employee to such private enterprise for work in such critical war occupation in such essential activity. An employee whose release has been authorized pursuant to this paragraph shall be carried on a leave-without-pay basis from his Federal position for the period of such employment with a private enterprise, except that such leave-without-pay status shall not continue beyond six months after the end of the war.

III. The Civil Service Commission shall base its findings, pursuant to paragraphs I and II of this directive, upon:

(a) The extent to which the skills, abilities, training, and experience of the employee are required and will be utilized by the departments, agencies, activities or private enterprise concerned; and

(b) The relative importance to the war program of the government activities in which the employee has been employed and to which he will be transferred, as indicated by, among other considerations, priority classifications established by the Director of the Bureau of the Budget pursuant to Executive Order No. 9243; and

(c) The relative importance to the war program of the government activity in which the employee has been employed

and of the private enterprise to which he will be transferred, as indicated by priority classifications established by the Director of the Bureau of the Budget pursuant to Executive Order No. 9243 and by such policies and directives as the Chairman of the War Manpower Commission may prescribe.

IV. Any employee of a department or agency of the executive branch of the Federal Government (other than an employee holding a temporary position) who has been transferred pursuant to paragraph I of this directive shall be entitled to thirty days' notice from the department or agency to which he has been transferred, prior to the termination of his services with such department or agency, unless such termination is for cause. Upon the termination, without prejudice, of the services of an employee (other than an employee transferred or released from a temporary position) in the position to which his transfer or release has been authorized or directed pursuant to paragraphs I or II of this directive (or in a position which, for the purposes of this directive, is substantially similar thereto) such employee shall be entitled to the reemployment benefits hereinbelow set forth, provided he makes application for reinstatement therein within forty days after the termination of his services with a department or agency of the Federal Government and, with respect to an employee released to a private enterprise, within forty days after the termination of his services with such an enterprise but in no event later than six months after the end of the war:

(a) Reinstatement, within thirty days of his application, in the same department or agency and to the maximum extent practicable, in the same locality, in his former position, or in a position of like seniority, status, and pay, in such manner, to the maximum extent consistent with law, that he does not lose any of the rights or benefits to which he would have been entitled had he not been transferred or released;

(b) If such a position, or if the agency or activity in which he was employed, is no longer in existence, and such person therefore cannot be reinstated, the placement of his name on the Reemployment List established pursuant to Executive Order No. 6924 of September 20, 1932, to be considered for certification to positions for which he is qualified elsewhere in the Government service. Certifications from such list shall be made by the Civil Service Commission prior to certifications from all other lists maintained by that Commission.

V. Any department or agency in which is employed an employee whose transfer or release is to be directed or authorized pursuant to this directive without the consent of such department or agency, shall be afforded, prior to such transfer or release, a fair opportunity to present to the Civil Service Commission evidence as to the extent to which such agency's or department's execution of its responsibilities will be jeopardized by the loss of such employee and as to the extent to which the employee's skills, abilities, training, and experience are being

<sup>1</sup> 7 F.R. 2919.

<sup>2</sup> 7 F.R. 7213.



and will be utilized in such department or agency.

VI. Any employee whose transfer is to be directed pursuant to this directive without the consent of such employee shall be afforded, prior to such transfer, a fair opportunity to present to the Civil Service Commission evidence that the proposed transfer is inequitable or will impose upon him an undue hardship. No employee shall, without his consent, be transferred to a position at a lower salary than he received at the time such transfer is directed, nor shall any employee, without his consent be transferred to a position beyond reasonable commuting distance from his home unless the department or agency concerned shall reimburse the employee for the cost of transporting himself, his immediate family, and his household goods, in accordance with Government regulations.

VII. Whenever the filling of any positions by promotion from within for an indefinite period is being considered by any department or agency, employees who have been transferred or released pursuant to this directive and are entitled

to reemployment in such department or agency under this directive shall be given the same consideration they would have received had they not been transferred or released, and such employees may be selected for such promotion. In the event of such selection, if such employee is not authorized to return to the position to which promotion was made, the position in question shall be filled only for the duration of such employee's reemployment rights under paragraph IV of this directive and such reemployment rights shall be applicable to the position to which promotion was made.

VIII. No request for the transfer or release of any civilian employee in any department or agency of the executive branch of the Federal Government shall be made by another such department or agency except through the Civil Service Commission, and no civilian employee of any such department or agency shall be released for transfer to another such department or agency except upon request of the Civil Service Commission. The Commission shall not request or authorize the transfer of any such employee

who can make a more effective contribution to the war effort in the position in which he is currently employed or whose transfer would be contrary to the most effective methods of filling the Federal Government's requirements for manpower in the civilian service or would conflict with policies or directives of the War Manpower Commission.

IX. The Civil Service Commission is authorized and directed to adopt such measures and take such action as may be necessary or appropriate to carry out the provisions of this directive and to insure that the reemployment provisions set forth in paragraph IV of this directive are given full force and effect.

X. This Directive shall become effective on and after September 27, 1942.

XI. This Directive may be cited as the "Directive with Respect to the Transfer and Release of Government employees."

PAUL V. McNUTT,  
Chairman.

SEPTEMBER 14, 1942.

[F. R. Doc. 42-9100; Filed, September 14, 1942;  
4:33 p. m.]

